Chap. Sec.
20A. Mutual Defense Assistance Control Program [Omitted] 1611
47. Nuclear Non-Proliferation [New] 3201
48. Taiwan Relations [New] 3301
49. Support of Peace Treaty Between Egypt and Israel [New] 3401
50. Institute for Scientific and Technological Cooperation [New] 3501
51. Panama Canal [New] 3601

CHAPTER 4—PASSPORTS

§ 211a. Authority to grant, issue, and verify passports

The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic representatives of the United States, and by such consul generals, consuls, or vice consuls when in charge, as the Secretary of State may designate, and by the chief or other executive officer of the insular possessions of the United States, under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify such passports. Unless authorized by law, a passport may not be designated as restricted for travel to or for use in any country other than a country with which the United States is at war, where armed hostilities are in progress, or where there is imminent danger to the public health or the physical safety of United States travellers.

(As amended Oct. 7, 1978, Pub. L. 95-426, title I, § 124, 92 Stat. 971.)

AMENDMENTS

1978—Pub. L. 95-426 added provision prohibiting passport restrictions except for countries with which the United States is at war, where armed hostilities are in progress or there is imminent danger to the public health or physical safety of United States travellers.

PERSONS ENTITLED TO DIPLOMATIC OR OFFICIAL UNITED STATES PASSPORT

Section 125 of Pub. L. 95-426 provided that: "It is the sense of the Congress that a diplomatic or official United States passport should be issued only to, and used only by, a person who holds a diplomatic or other official position in the United States Government or who is otherwise eligible for such a passport under conditions specifically authorized by law."

§ 214. Fees for execution and issuance of passports; persons excused from payment

There shall be collected and paid into the Treasury of the United States quarterly a fee of $10 for each passport issued and a fee in an amount prescribed by the Secretary of State by regulation for executing each application for a passport. Nothing contained in this section shall be construed to limit the right of the Secretary of State by regulation (1) to authorize State officials to collect and retain the execution fee, or (2) to transfer to the United States Postal Service the execution fee for each application accepted by that Service. No passport fee shall be collected from an officer or employee of the United States proceeding abroad in the discharge of official duties, or from members of his immediate family; from an American seaman who requires a passport in connection with his duties aboard an American flag-vessel; or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member. No execution fee shall be collected for an application made before a Federal official by a person excused from payment of the passport fee under this section.

[*See main edition for credits*]

CODIFICATION

Section is set out in this supplement to correct a typographical error in the main edition.

CHAPTER 6—FOREIGN DIPLOMATIC AND CONSULAR OFFICERS

Sec.
254a. Definitions [New].
254b. Privileges and immunities of members of mission of a state not ratifying Vienna Convention [New].
254c. Extension of more favorable or less favorable treatment than provided under Vienna Convention; authority of President [New].
254d. Dismissal on motion of action against individual entitled to immunity [New].
254e. Liability insurance for members of mission [New].
(a) Compliance with regulations promulgated by President.
(b) Establishment by regulation of liability insurance requirements.
(c) Enforcement of liability insurance requirements.

§§ 252 to 254. Repealed. Pub. L. 95-393, § 3(a)(1), Sept. 30, 1978, 92 Stat. 808

Section 252, R.S. § 4063, related to the immunity of any ambassador or public minister of any foreign prince or State, or any domestic or domestic servant of any such minister against arrest, imprisonment, or seizure of his goods or chattels.

Section 253, R.S. § 4064, related to imprisonment for not more than three years of anyone suing out a writ

or process in violation of the provisions of former section 252 of this title, granting diplomatic immunity to certain persons.

Section 254, R.S. §§ 4065, 4066, related to suits against persons in the service of an ambassador or public minister founded upon a debt contracted before entering such service, and registration of the names of persons serving as domestic servants of an ambassador or a public minister with the State Department.

EFFECTIVE DATE OF REPEAL

Repeal of sections by Pub. L. 95-393 effective at the end of the ninety-day period beginning on Sept. 30, 1978, see section 9 of Pub. L. 95-393, set out as an Effective Date note under section 254a of this title.

INSURANCE COVERAGE OF DIPLOMATIC MISSIONS TO UNITED STATES; REPORTS TO SPEAKER OF HOUSE OF REPRESENTATIVES AND PRESIDENT OF SENATE

Pub. L. 95-148, title V, § 510(1), (2), Oct. 31, 1977, 91 Stat. 1240, provided that it was the sense of the Congress that the Secretary of State should prepare and submit to the Speaker of the House of Representatives and to the President of the Senate: (1) not later than six months after Oct. 31, 1977, a report on the adequacy of insurance provided by the accredited diplomatic missions to the United States to cover loss or injury arising from the wrongful acts or omissions of the employees of such missions in the United States; and (2) not later than one year after Oct. 31, 1977, a report on what efforts the President and the Secretary of State had made to encourage the provision of such coverage.

§ 254a. Definitions

As used in this Act—

(1) the term "members of a mission" means—

(A) the head of a mission and members of the diplomatic staff of a mission,

(B) members of the administrative and technical staff of a mission, and

(C) members of the service staff of a mission,

as such terms are defined in Article 1 of the Vienna Convention;

(2) the term "family" means—

(A) the members of the family of a member of a mission described in paragraph (1)(A) who form part of his or her household if they are not nationals of the United States, and

(B) the members of the family of a member of a mission described in paragraph (1)(B) who form part of his or her household if they are not nationals or permanent residents of the United States,

within the meaning of Article 37 of the Vienna Convention;

(3) the term "mission" includes missions within the meaning of the Vienna Convention and any missions representing foreign governments, individually or collectively, which are extended the same privileges and immunities, pursuant to law, as are enjoyed by missions under the Vienna Convention; and

(4) the term "Vienna Convention" means the Vienna Convention on Diplomatic Relations of April 18, 1961 (T.I.A.S. numbered 7502; 23 U.S.T. 3227), entered into force with respect to the United States on December 13, 1972.

(Pub. L. 95-393, § 2, Sept. 30, 1978, 92 Stat. 808.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 95-393, Sept. 30, 1978, 92 Stat. 808, known as the Diplomatic Relations Act. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

EFFECTIVE DATE

Section 9 of Pub. L. 95-393 provided that: "This Act [for classification, see Short Title note set out below] shall take effect at the end of the ninety-day period beginning on the date of its enactment [Sept. 30, 1978]".

SHORT TITLE

Section 1 of Pub. L. 95-393 provided that: "This Act [enacting sections 254a to 254e of this title and section 1364 of Title 28, Judiciary and Judicial Procedure, amending sections 1251 and 1351 of Title 28, repealing sections 252 to 254 of this title, and enacting provisions set out as a note under this section] may be cited as the 'Diplomatic Relations Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 28 section 1351.

§ 254b. Privileges and immunities of members of mission of a state not ratifying Vienna Convention

Members of the mission of a sending state which has not ratified the Vienna Convention, their families, and the diplomatic couriers of such state, shall enjoy the privileges and immunities specified in the Vienna Convention.

(Pub. L. 95-393, § 3(b), Sept. 30, 1978, 92 Stat. 808.)

EFFECTIVE DATE

Section effective at the end of the ninety-day period beginning on Sept. 30, 1978, see section 9 of Pub. L. 95-393, set out as an Effective Date note under section 254a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 254d of this title.

§ 254c. Extension of more favorable or less favorable treatment than provided under Vienna Convention; authority of President

The President may, on the basis of reciprocity and under such terms and conditions as he may determine, specify privileges and immunities for members of the mission, their families, and the diplomatic couriers of any sending state which result in more favorable treatment or less favorable treatment than is provided under the Vienna Convention.

(Pub. L. 95-393, § 4, Sept. 30, 1978, 92 Stat. 809.)

EFFECTIVE DATE

Section effective at the end of the ninety-day period beginning on Sept. 30, 1978, see section 9 of Pub. L. 95-393, set out as an Effective Date note under section 254a of this title.

EX. ORD. NO. 12101. DELEGATION OF FUNCTIONS TO SECRETARY OF STATE RESPECTING PRIVILEGES, IMMUNITIES AND LIABILITY INSURANCE FOR DIPLOMATIC MISSIONS AND PERSONNEL

Ex. Ord. No. 12101, Nov. 17, 1978, 43 F.R. 54195, provided:

By the authority vested in me as President of the United States of America by the Diplomatic Relations Act (Public Law 95-393, 92 Stat. 808; 22 U.S.C. 254a et seq.) and Section 301 of Title 3 of the United States

Code, in order to implement the liability insurance and other requirements relating to diplomatic personnel, I hereby designate and empower the Secretary of State to perform, without the approval, ratification, or other action of the President, the functions vested or to be vested in the President by Sections 4 and 6 of the Diplomatic Relations Act (92 Stat. 809; 22 U.S.C. 254c and 254e).

JIMMY CARTER.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 254d of this title.

§ 254d. Dismissal on motion of action against individual entitled to immunity

Any action or proceeding brought against an individual who is entitled to immunity with respect to such action or proceeding under the Vienna Convention on Diplomatic Relations, under section 254b or 254c of this title, or under any other laws extending diplomatic privileges and immunities, shall be dismissed. Such immunity may be established upon motion or suggestion by or on behalf of the individual, or as otherwise permitted by law or applicable rules of procedure.

(Pub. L. 95–393, § 5, Sept. 30, 1978, 92 Stat. 809.)

EFFECTIVE DATE

Section effective at the end of the ninety-day period beginning on Sept. 30, 1978, see section 9 of Pub. L. 95–393, set out as an Effective Date note under section 254a of this title.

§ 254e. Liability insurance for members of mission

(a) Compliance with regulations promulgated by President

Each mission, members of the mission and their families, and individuals described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, shall comply with any requirement imposed by the regulations promulgated by the President pursuant to subsection (b) of this section.

(b) Establishment by regulation of liability insurance requirements

The President shall, by regulation, establish liability insurance requirements to be met by each mission, members of the mission and their families, and individuals described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, relating to risks arising from the operation in the United States of any motor vehicle, vessel, or aircraft.

(c) Enforcement of liability insurance requirements

The President shall take such steps as he may deem necessary to insure that each mission, members of the mission and their families, and individuals described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, who operate motor vehicles, vessels, or aircraft in the United States comply with the requirements established pursuant to subsection (b) of this section.

(Pub. L. 95–393, § 6, Sept. 30, 1978, 92 Stat. 809.)

EFFECTIVE DATE

Section effective at the end of the ninety-day period beginning on Sept. 30, 1978, see section 9 of Pub. L. 95–393, set out as an Effective Date note under section 254a of this title.

DELEGATION OF FUNCTIONS TO SECRETARY OF STATE RESPECTING LIABILITY INSURANCE

For provisions respecting the delegation of the President's functions to the Secretary of State concerning liability insurance for diplomatic missions and personnel, see Ex. Ord. No. 12101, Nov. 17, 1978, 43 F.R. 54195, set out as a note under section 254c of this title.

CHAPTER 7—INTERNATIONAL BUREAUS, CONGRESSES, ETC.

Sec.

262c. Commitments for United States contributions to international financial institutions fostering economic development in less developed countries; continuation of participation [New].

262d. Human rights and United States assistance policies with international financial institutions [New].
- (a) Policy goals.
- (b) Policy considerations for Executive Directors of institutions in implementation of duties.
- (c) Annual progress reports.
- (d) Requirements of United States assistance through institutions for projects in recipient countries; listing of assistance categories in annual progress reports.
- (e) Criteria for determination of gross violations of internationally recognized human rights standards.
- (f) Opposition by United States Executive Directors of institutions to financial or technical assistance to violating countries.

262d–1. Congressional statement of policy of human rights and United States assistance policies with international institutions [New].

262e. Comparability of salaries and benefits of employees of international financial institutions with employees of American private business and governmental service [New].

262f. Promotion of development and utilization of light capital technologies and United States assistance policies with international financial institutions; annual report to Congress [New].

262g. Human nutrition in developing countries and United States assistance policies with international financial institutions; declaration of policy; annual report to Congress [New].

262h. Opposition by United States Executive Directors of international financial institutions to assistance for production of export commodities in surplus on world markets [New].

276a–2. Conference of the Interparliamentary Union and all other parliamentary conferences; appointment of delegates from Senate; Chairman; Vice Chairman [New].

276a–3. Executive secretary of American group of Interparliamentary Union [New].

276a–4. Auditing of accounts of House and Senate delegations to the Interparliamentary Union; finality and conclusiveness of certificates of Chairman [New].

SUBCHAPTER XI—INTERNATIONAL FINANCE CORPORATION

Sec.
282i. Increase in capital stock of Corporation; subscription to additional shares; authorization of appropriations [New].

SUBCHAPTER XIII—INTERNATIONAL DEVELOPMENT ASSOCIATION

284n. Additional authorization for payment of United States contribution; authorization of appropriations [New].

SUBCHAPTER XIV—ASIAN DEVELOPMENT BANK

285s. Additional subscription to shares; authorization of appropriations [New].
285t. Additional contribution to special funds; authorization of appropriations [New].

SUBCHAPTER XV—INTERNATIONAL MONETARY FUND AND BANK FOR RECONSTRUCTION AND DEVELOPMENT

286e-1f. Additional increase in capital stock of Bank; subscription to additional shares; authorization of appropriations [New].
286e-7. Supplementary Financing Facility [New].
(a) Availability of resources.
(b) Adjustments in the value of monetary assets.
(c) Authorization of appropriations.
286e-8. Treatment of creditors in debt rescheduling [New].
286e-9. Stabilization programs; report to Congress [New].
286e-10. Report to Congress on status of human rights [New].
286e-11. Assistance by the Fund to any country harboring international terrorists [New].

SUBCHAPTER XXII—AFRICAN DEVELOPMENT FUND

290g-10. Additional authorization for payment of United States contribution; review of payment and voting structure with other donor nations; authorization of appropriations [New].

§ 262c. Commitments for United States contributions to international financial institutions fostering economic development in less developed countries; continuation of participation

(a) It is the sense of the Congress that—

(1) for humanitarian, economic, and political reasons, it is in the national interest of the United States to assist in fostering economic development in the less developed countries of this world;

(2) the development-oriented international financial institutions have proved themselves capable of playing a significant role in assisting economic development by providing to less developed countries access to capital and technical assistance and soliciting from them maximum self-help and mutual cooperation;

(3) this has been achieved with minimal risk of financial loss to contributing countries;

(4) such institutions have proved to be an effective mechanism for sharing the burden among developed countries of stimulating economic development in the less developed world; and

(5) although continued United States participation in the international financial institutions is an important part of efforts by the United States to assist less developed countries, more of this burden should be shared by other developed countries. As a step in that direction, in future negotiations, the United States should work toward aggregate contributions to future replenishments to international financial institutions covered by this Act not to exceed 25 per centum.

(b) The Congress recognizes that economic development is a long-term process needing funding commitments to international financial institutions. It also notes that the availability of funds for the United States contribution to international financial institutions is subject to the appropriations process.

(Pub. L. 95-118, title I, § 101, Oct. 3, 1977, 91 Stat. 1067.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(5), is Pub. L. 95-118, Oct. 3, 1977, 91 Stat. 1067, which enacted this section, sections 262d to 262g, 282i, 284n, 285s, 285t, 286e-1f, and 290g-10 of this title, repealed sections 283y, 284m, and 290g-9 of this title, and enacted provisions set out as notes under this section and section 282i of this title. For complete classification of this Act to the Code, see Tables.

EFFECTIVE DATE

Section effective on Oct. 3, 1977, see section 1001 of Pub. L. 95-118, set out as an Effective Date note under section 282i of this title.

FUTURE UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL FINANCIAL INSTITUTIONS

Pub. L. 95-481, title III, § 301, Oct. 18, 1978, 92 Stat. 1599, provided in part that: "It is the sense of the Congress that the United States share of contributions to future replenishments of the International Financial Institutions should not exceed the percentages enumerated below for each of the respective accounts within these institutions:

"Asian Development Bank:
"Paid-in capital, 16.3 percent;
"Callable capital, 16.3 percent;
"Asian Development Fund, 22.2 percent;
"African Development Bank:
"Special Fund, 18 percent;
"Inter-American Development Bank:
"Paid-in capital, 34.5 percent;
"Callable capital, 34.5 percent;
"Fund for Special Operations, 40 percent;
"International Bank for Reconstruction and Development:
"Paid-in capital, 24 percent;
"Callable capital, 24 percent;
"International Development Association, 25 percent;
"International Finance Corporation, 23 percent."

Similar provisions were contained in the following Appropriations Act:

Pub. L. 95-148, title III, § 301, Oct. 31, 1977, 91 Stat. 1238.

STANDARDS FOR HUMAN NEEDS AND PROTECTION OF HUMAN RIGHTS; CONSULTATION FOR DEVELOPMENT OF CRITERIA; REPORT TO CONGRESS

Section 703 of Pub. L. 95-118 provided that:

"(a) The Secretary of State and the Secretary of the Treasury shall initiate a wide consultation designed to develop a viable standard for the meeting of basic human needs and the protection of human rights and a mechanism for acting together to insure that the rewards of international economic cooperation are especially available to those who subscribe to such stand-

ards and are seen to be moving toward making them effective in their own systems of governance.

"(b) Not later than one year after the date of enactment of this Act [Oct. 3, 1977], the Secretary of State and the Secretary of the Treasury shall report to the President of the Senate and the Speaker of the House of Representatives on the progress made in carrying out this section."

§ 262d. Human rights and United States assistance policies with international financial institutions

(a) Policy goals

The United States Government, in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, and the Asian Development Bank, shall advance the cause of human rights, including by seeking to channel assistance toward countries other than those whose governments engage in—

(1) a consistent pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty, and the security of person; or

(2) provide refuge to individuals committing acts of international terrorism by hijacking aircraft.

(b) Policy considerations for Executive Directors of institutions in implementation of duties

Further, the Secretary of the Treasury shall instruct each Executive Director of the above institutions to consider in carrying out his duties:

(1) specific actions by either the executive branch or the Congress as a whole on individual bilateral assistance programs because of human rights considerations;

(2) the extent to which the economic assistance provided by the above institutions directly benefit the needy people in the recipient country;

(3) whether the recipient country has detonated a nuclear device or is not a State Party to the Treaty on Nonproliferation of Nuclear Weapons or both; and

(4) in relation to assistance for the Socialist Republic of Vietnam, the People's Democratic Republic of Laos, and Democratic Kampuchea (Cambodia), the responsiveness of the governments of such countries in providing a more substantial accounting of Americans missing in action.

(c) Annual progress reports

The Secretaries of State and Treasury shall report annually to the Speaker of the House of Representatives and the President of the Senate on the progress toward achieving the goals of this title, including the listing required in subsection (d) of this section.

(d) Requirements of United States assistance through institutions for projects in recipient countries; listing of assistance categories in annual progress reports

The United States Government, in connection with its voice and vote in the institutions listed in subsection (a) of this section, shall seek to channel assistance to projects which address basic human needs of the people of the recipient country. The annual report required under subsection (c) of this section shall include a listing of categories of such assistance granted, with particular attention to categories that address basic human needs.

(e) Criteria for determination of gross violations of internationally recognized human rights standards

In determining whether a country is in gross violation of internationally recognized human rights standards, as defined by the provisions of subsection (a) of this section, the United States Government shall give consideration to the extent of cooperation of such country in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations including, but not limited to, the International Committee of the Red Cross, Amnesty International, the International Commission of Jurists, and groups or persons acting under the authority of the United Nations or the Organization of American States.

(f) Opposition by United States Executive Directors of institutions to financial or technical assistance to violating countries

The United States Executive Directors of the institutions listed in subsection (a) of this section are authorized and instructed to oppose any loan, any extension of financial assistance, or any technical assistance to any country described in subsection (a)(1) or (2) of this section, unless such assistance is directed specifically to programs which serve the basic human needs of the citizens of such country.

(Pub. L. 95-118, title VII, § 701, Oct. 3, 1977, 91 Stat. 1069.)

References in Text

This title, referred to in subsec. (c), is title VII (§§ 701-704) of Pub. L. 95-118, Oct. 3, 1977, 91 Stat. 1069, which enacted this section, and section 262e of this title, repealed sections 283y, 284m, and 290g-9 of this title, and enacted provision set out as a note under section 262c of this title. For complete classification of title VII to the Code, see Tables.

Effective Date

Section effective on Oct. 3, 1977, see section 1001 of Pub. L. 95-118, set out as an Effective Date note under section 282i of this title.

Amendment of Articles of Agreement of International Financial Institutions; Establishment of Human Rights Standards To Be Considered in Connection With Assistance Application

Pub. L. 95-481, title VI, § 611, Oct. 18, 1978, 92 Stat. 1602, provided that: "The President shall direct the United States Governor of the International Bank for Reconstruction and Development, the United States Governor of the International Finance Corporation, the United States Governor of the International De-

velopment Association, the United States Governor of the Inter-American Development Bank, the United States Governor of the Asian Development Bank, and the United States Governor of the African Development Fund, to propose and seek adoption of an amendment to the Articles of Agreement for their respective institutions to establish human rights standards to be considered in connection with each application for assistance."

§ 262d-1. Congressional statement of policy of human rights and United States assistance policies with international institutions

It is the sense of the Congress that, where other means have proven ineffective in promoting international human rights, and except where the President determines that the cause of international human rights is served more effectively by actions other than voting against such assistance or where the assistance is directed to programs that serve the basic needs of the impoverished majority of the country in question, United States representatives to the International Bank for Reconstruction and Development, the International Development Association, the African Development Fund, the Asian Development Bank, and the Inter-American Development Bank should oppose loans and other financial or technical assistance to any country that persists in a systematic pattern of gross violations of fundamental human rights.

(Pub. L. 95-148, title V, § 507, Oct. 31, 1977, 91 Stat. 1240.)

§ 262e. Comparability of salaries and benefits of employees of international financial institutions with employees of American private business and governmental service

The President shall direct the United States Executive Directors of such international financial institutions to take all appropriate actions to keep the salaries and benefits of the employees of such institutions to levels comparable to salaries and benefits of employees of private business and the United States Government in comparable positions.

(Pub. L. 95-118, title VII, § 704, Oct. 3, 1977, 91 Stat. 1071.)

EFFECTIVE DATE

Section effective on Oct. 3, 1977, see section 1001 of Pub. L. 95-118, set out as an Effective Date note under section 282i of this title.

§ 262f. Promotion of development and utilization of light capital technologies and United States assistance policies with international financial institutions; annual report to Congress

(a) The United States Government, in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, and the Asian Development Bank, shall promote the development and utilization of light capital technologies, otherwise known as intermediate, appropriate, or village technologies, by such international institutions as major facets of their development strategies, with major emphasis on the production and conservation of energy through light capital technologies.

(b) The Secretary of the Treasury shall report to the Congress not later than six months after October 3, 1977, and annually thereafter on the progress toward achieving the goals of this section. Each report shall include a separate and comprehensive discussion, with examples of specific projects and policies, of each institution's activity in light capital technologies and of United States efforts to carry out subsection (a) of this section with respect to each institution.

(Pub. L. 95-118, title VIII, § 801, Oct. 3, 1977, 91 Stat. 1071.)

EFFECTIVE DATE

Section effective on Oct. 3, 1977, see section 1001 of Pub. L. 95-118, set out as an Effective Date note under section 282i of this title.

§ 262g. Human nutrition in developing countries and United States assistance policies with international financial institutions; declaration of policy; annual report to Congress

(a) The Congress declares it to be the policy of the United States, in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, the Asian Development Fund, and the Asian Development Bank, to combat hunger and malnutrition and to encourage economic development in the developing countries, with emphasis on assistance to those countries that are determined to improve their own agricultural production, by seeking to channel assistance for agriculturally related development to projects that would aid in fulfilling domestic food and nutrition needs and in alleviating hunger and malnutrition in the recipient country. The United States representatives to the institutions named in this section shall oppose any loan or other financial assistance for establishing or expanding production for export of palm oil, sugar, or citrus crops if such loan or assistance will cause injury to United States producers of the same, similar, or competing agricultural commodity.

(b) The Director of the United States International Development Cooperation Agency and the Secretary of the Treasury shall report annually to the Speaker of the House of Representatives and the President of the Senate on the progress towards achieving the goals of this section.

(Pub. L. 95-118, title IX, § 901, Oct. 3, 1977, 91 Stat. 1071; 1979 Reorg. Plan No. 2, § 6(c)(2), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379.)

EFFECTIVE DATE

Section effective on Oct. 3, 1977, see section 1001 of Pub. L. 95-118, set out as an Effective Date note under section 282i of this title.

TRANSFER OF FUNCTIONS

"The Director of the United States International Development Cooperation Agency and the Secretary

of the Treasury" was substituted for "The Secretaries of State and Treasury" in subsec. (b), pursuant to Reorg. Plan No. 2 of 1979, § 6(c)(2), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, as provided by section 1-101 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title, which transferred all functions and authorities of the Secretary of State under this section to the Director of the United States International Development Cooperation Agency.

§ 262h. Opposition by United States Executive Directors of international financial institutions to assistance for production of export commodities in surplus on world markets

The Secretary of the Treasury shall instruct the United States executive directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank and the Asian Development Bank, and the executive director representing the United States at the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production of any commodity for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar or competing commodity.

(Pub. L. 95-481, title VI, § 609, Oct. 18, 1978, 92 Stat. 1601.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 95-481, Oct. 18, 1978, 92 Stat. 1591, known as the Foreign Assistance and Related Programs Appropriations Act, 1979. For complete classification of this Act to the Code, see Tables.

§ 263a. International Criminal Police Organization

The Attorney General is authorized to accept and maintain, on behalf of the United States, membership in the International Criminal Police Organization, and to designate any departments and agencies which may participate in the United States representation with that organization. All dues and expenses to be paid for the membership of the United States shall be paid out of sums authorized and appropriated for the Department of Justice.

(As amended Nov. 9, 1978, Pub. L. 95-624, § 21(a), 92 Stat. 3466.)

AMENDMENTS

1978—Pub. L. 95-624 substituted provision authorizing the payment of all dues and expenses for the membership of the United States out of sums authorized and appropriated for the Department of Justice for provisions authorizing each participating department and agency to pay its pro rata share of the expenses of such membership and forbidding total dues paid for such membership to exceed $120,000 per annum.

§ 269a. Central Bureau of the International Map of the World on the Millionth Scale; authorization of appropriations

ANNUAL APPROPRIATIONS

An annual appropriation was contained in the following appropriation acts:

Sept. 24, 1979, Pub. L. 96-68, title I, § 100, 93 Stat. 417.

Oct. 10, 1978, Pub. L. 95-431, title I, § 101, 92 Stat. 1022.

Aug. 2, 1977, Pub. L. 95-86, title I, § 101, 91 Stat. 420.

§ 269b. Inter-American Children's Institute; authorization of appropriations

ANNUAL APPROPRIATIONS

An annual appropriation was contained in the following appropriation acts:

Sept. 24, 1979, Pub. L. 96-68, title I, § 100, 93 Stat. 417.

Oct. 10, 1978, Pub. L. 95-431, title I, § 101, 92 Stat. 1022.

Aug. 2, 1977, Pub. L. 95-86, title I, § 101, 91 Stat. 420.

§ 269f. International Bureau of Intellectual Property; authorization of appropriations

ANNUAL APPROPRIATIONS

An annual appropriation to meet obligations of membership in the International Bureau of Intellectual Property was contained in the following appropriation acts:

Pub. L. 96-68, title I, § 100, Sept. 24, 1979, 93 Stat. 417.

Pub. L. 95-431, title I, § 101, Oct. 10, 1978, 92 Stat. 1022.

Pub. L. 95-86, title I, § 101, Aug. 2, 1977, 91 Stat. 420.

§ 269g-1. Authorization of appropriations

ANNUAL APPROPRIATIONS

An annual appropriation to meet the obligations of membership in the International Institute for the Unification of Private International Law and the Hague Conference on Private International Law was contained in the following appropriation acts:

Pub. L. 96-68, title I, § 100, Sept. 24, 1979, 93 Stat. 417.

Pub. L. 95-431, title I, § 101, Oct. 10, 1978, 92 Stat. 1022.

Pub. L. 95-86, title I, § 101, Aug. 2, 1977, 91 Stat. 420.

§ 269h. International Union for the Publication of Customs Tariffs; authorization of annual appropriations for expenses

ANNUAL APPROPRIATIONS

An annual appropriation to meet the obligations of membership in the International Union for the Publication of Customs Tariffs was contained in the following appropriation acts:

Pub. L. 96-68, title I, § 100, Sept. 24, 1979, 93 Stat. 417.

Pub. L. 95-431, title I, § 101, Oct. 10, 1978, 92 Stat. 1022.

Pub. L. 95-86, title I, § 101, Aug. 2, 1977, 91 Stat. 420.

§ 272a. Authorization of appropriations

ANNUAL APPROPRIATIONS

An annual appropriation to meet the obligations of membership in the International Labor Organization was contained in the following appropriation acts:

Pub. L. 96-68, title I, § 100, Sept. 24, 1979, 93 Stat. 417.

Pub. L. 95-431, title I, § 101, Oct. 10, 1978, 92 Stat. 1022.

Pub. L. 95-86, title I, § 101, Aug. 2, 1977, 91 Stat. 420.

§ 272b. Loyalty check on United States personnel

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Di-

rector of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 273. Pan American Institute of Geography and History; authorization of annual appropriations for membership

ANNUAL APPROPRIATIONS

An annual appropriation to meet the obligations of membership in the Pan American Institute of Geography and History was contained in the following appropriation acts:

Pub. L. 96-68, title I, § 100, Sept. 24, 1979, 93 Stat. 417.

Pub. L. 95-431, title I, § 101, Oct. 10, 1978, 92 Stat. 1022.

Pub. L. 95-86, title I, § 101, Aug. 2, 1977, 91 Stat. 420.

§ 274. International Council of Scientific Unions and Associated Unions; authorization of annual appropriations for membership

ANNUAL APPROPRIATIONS

An annual appropriation to meet the obligations of membership in the International Council of Scientific Unions and Associated Unions was contained in the following appropriation acts:

Sept. 24, 1979, Pub. L. 96-68, title I, § 100, 93 Stat. 417.

Oct. 10, 1978, Pub. L. 95-431, title I, § 101, 92 Stat. 1022.

Aug. 2, 1977, Pub. L. 95-86, title I, § 101, 91 Stat. 420.

§ 275. International Hydrographic Bureau

ANNUAL APPROPRIATIONS

An annual appropriation was contained in the following appropriation acts:

Sept. 24, 1979, Pub. L. 96-68, title I, § 100, 93 Stat. 417.

Oct. 10, 1978, Pub. L. 95-431, title I, § 101, 92 Stat. 1022.

Aug. 2, 1977, Pub. L. 95-86, title I, § 101, 91 Stat. 420.

§ 276. Bureau of Interparliamentary Union; American group; authorization of appropriations; disbursements

There is authorized to be appropriated for fiscal year 1976 and for each subsequent fiscal year—

[*See main edition for text of (1)*]

(2) to assist in meeting the expenses of the American group for such fiscal year, $90,000, or so much thereof as may be necessary.

Funds made available under paragraph (2) shall be disbursed on vouchers to be approved by the Chairman of the House delegation in the case of delegates from the House of Representatives or the Chairman of the Senate delegation in the case of delegates from the Senate, except that either such Chairman may authorize the executive secretary of the American group to approve such vouchers on his behalf.

(As amended June 15, 1977, Pub. L. 95-45, § 4(d)(1), 91 Stat. 223; Oct. 7, 1978, Pub. L. 95-426, title VII, § 710, 92 Stat. 994.)

AMENDMENTS

1978—Par. (2). Pub. L. 95-426 substituted "$90,000" for "$45,000".

1977—Pub. L. 95-45 substituted provision directing that funds made available under par. (2) be disbursed on vouchers approved by the Chairman of the House delegation in the case of delegates from the House of Representatives or the Chairman of the Senate delegation in the case of delegates from the Senate, except that either such Chairman may authorize the executive secretary of the American group to approve such vouchers on his behalf for provision directing only that such funds be disbursed on vouchers approved by the president and executive secretary of the American group.

ANNUAL APPROPRIATIONS

An annual appropriation was contained in the following appropriation acts:

Sept. 24, 1979, Pub. L. 96-68, title I, § 100, 93 Stat. 417.

Oct. 10, 1978, Pub. L. 95-431, title I, § 101, 92 Stat. 1022.

Aug. 2, 1977, Pub. L. 95-86, title I, § 101, 91 Stat. 420.

§ 276a-1. Conference of the Interparliamentary Union; appointment of delegates from House of Representatives; Chairman; Vice Chairman

There shall be not to exceed twelve delegates from the House of Representatives (at least four of whom shall be from the Committee on Foreign Affairs) to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives. The Chairman or Vice Chairman of the House delegation shall be a member from the Committee on Foreign Affairs. The Speaker shall designate the Chairman and the Vice Chairman of the House delegation for each such Conference.

(As amended June 15, 1977, Pub. L. 95-45, § 4(d)(2), 91 Stat. 223; H. Res. 89, Feb. 5, 1979.)

AMENDMENTS

1977—Pub. L. 95-45 substituted provisions that, there be not to exceed twelve delegates from the House of Representatives (at least four of whom shall be from the Committee on International Relations) to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives, that the Chairman or Vice Chairman of the House delegation be a member from the Committee on International Relations, and that the Speaker designate the Chairman and the Vice Chairman of the House delegation for each such Conference for provisions that, after January 1, 1976, there be not to exceed nine delegates from the House of Representatives to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives, and that not more than five delegates from the House of Representatives to any such Conference be of the same political party.

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs on Feb. 5, 1979, by House Resolution 89, 96th Congress.

§ 276a-2. Conference of the Interparliamentary Union and all other parliamentary conferences; appointment of delegates from Senate; Chairman; Vice Chairman

Senate delegates to each conference of the Interparliamentary Union, and to all other par-

liamentary conferences, shall be designated by the President of the Senate upon recommendations of the majority and minority leaders of the Senate. Unless the President of the Senate, upon the recommendation of the majority leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee. Not fewer than two Senators designated to be in the Senate delegation to each conference of the Interparliamentary Union shall be members of the Committee on Foreign Relations.

(June 28, 1935, ch. 322, § 4, as added June 15, 1977, Pub. L. 95–45, § 4(d)(3), 91 Stat. 223.)

§ 276a–3. Executive secretary of American group of Interparliamentary Union

After December 31, 1977, the executive secretary of the American group of the Interparliamentary Union shall be an officer or employee of the Senate or the House of Representatives and shall be appointed—

(1) by the Chairman of the Senate delegation upon recommendations of the majority and minority leaders of the Senate for service during odd-numbered Congresses; and

(2) by the Chairman of the House delegation for service during even-numbered Congresses.

(June 28, 1935, ch. 322, § 5, as added June 15, 1977, Pub. L. 95–45, § 4(d)(3), 91 Stat. 223.)

§ 276a–4. Auditing of accounts of House and Senate delegations to the Interparliamentary Union; finality and conclusiveness of certificate of Chairman

The certificate of the Chairman of the respective delegation to the Interparliamentary Union (or the certificate of the executive secretary of the American group if the Chairman delegates such authority to him) shall be final and conclusive upon the accounting officers in the auditing of all accounts of the House and Senate delegations to the Interparliamentary Union.

(June 28, 1935, ch. 322, § 6, as added June 15, 1977, Pub. L. 95–45, § 4(d)(3), 91 Stat. 223.)

§ 276b. Repealed. Pub. L. 95–45, § 4(d)(4), June 15, 1977, 91 Stat. 223

Section, act Aug. 25, 1937, ch. 757, 50 Stat. 770, provided that, on and after Aug. 25, 1937, the certificate of the president and executive secretary of the American Group of the Interparliamentary Union be final and conclusive upon the accounting officers in the auditing of all accounts of the Group. See section 276a–4 of this title.

§ 276c–1. Reports of expenditures by members of American groups or delegations and employees; consolidated reports by Congressional Committees; public inspection

Each chairman or senior member of the House of Representatives and Senate group or delegation of the United States group or delegation to the Interparliamentary Union, the North Atlantic Assembly, the Canada-United States Interparliamentary Group, the Mexico-United States Interparliamentary Group, or any similar interparliamentary group of which the United States is a member or participates, by whom or on whose behalf local currencies owned by the United States are made available and expended and/or expenditures are made from funds appropriated for the expenses of such group or delegation, shall file with the chairman of the Committee on Foreign Relations of the Senate in the case of the group or delegation of the Senate, or with the chairman of the Committee on Foreign Affairs of the House of Representatives in the case of the group or delegation of the House, an itemized report showing all such expenditures made by or on behalf of each Member or employee of the group or delegation together with the purposes of the expenditure, including per diem (lodging and meals), transportation, and other purposes. Within sixty days after the beginning of each regular session of Congress, the chairman of the Committee on Foreign Relations and the chairman of the Committee on Foreign Affairs shall prepare consolidated reports showing with respect to each such group or delegation the total amount expended, the purposes of the expenditures, the amount expended for each such purpose, the names of the Members or employees by or on behalf of whom the expenditures were made and the amount expended by or on behalf of each Member or employee for each such purpose. The consolidated reports prepared by the chairman of the Committee on Foreign Relations of the Senate shall be filed with the Secretary of the Senate, and the consolidated reports prepared by the chairman of the Committee on Foreign Affairs of the House shall be filed with the Committee on House Administration of the House and shall be open to public inspection.

(As amended H. Res. 89, Feb. 5, 1979.)

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs on Feb. 5, 1979, by House Resolution 89, 96th Congress.

§ 276c–2. Employee benefits for United States citizen-representatives to International Monetary Fund, International Bank for Reconstruction and Development, Inter-American Development Bank, Asian Development Bank, and African Development Fund; Treasury Department as collecting, accounting, and depositing agency for employee payments; contributions from appropriated funds

Notwithstanding the provisions of any other law, the Executive Directors and Directors and their alternates, representing the United States in the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund, shall, if they are citizens of the United States, in the discretion of the Secretary of the Treasury, each be eligible on the basis of such service and the total compensation received therefor, for all employee benefits afforded employees in the civil service of the United States. The Treasury Department shall serve as the employing office for collecting, ac-

counting for, and depositing in the Civil Service Retirement and Disability Fund, Employees Life Insurance Fund, and Employees Health Benefits Fund, all retirement and health insurance benefits payments made by these employees, and shall make any necessary agency contributions from funds appropriated to the Department of the Treasury.

(As amended Pub. L. 95–612, § 4, Nov. 8, 1978, 92 Stat. 3092.)

AMENDMENTS

1978—Pub. L. 95–612 prescribed requirement of citizenship to be eligible for employee benefits, extended the benefits to representatives to the African Development Fund, substituted provision for contributions from appropriated funds for prior provision for contributions from the fund established under section 822a(a) of title 31, and struck out provision making section effective Dec. 14, 1966.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–612 effective Oct. 1, 1978, or some later date related to availability of funds under appropriation Acts authorized by appropriations authorization, see section 7 of Pub. L. 95–612, set out as an Effective Date of 1978 Amendment note under section 822a of Title 31, Money and Finance.

SUBCHAPTER I—CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

§ 276d. United States group; appointment; term; meetings

Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually and when Congress is not in session (except that this restriction shall not apply during the first session of the Eighty-sixth Congress or to meetings held in the United States) with representatives of the House of Commons and Senate of the Canadian Parliament for discussion of common problems in the interests of relations between the United States and Canada. Of the Members of the Congress to be appointed for the purposes of this subchapter (hereinafter designated as the United States group) half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the Foreign Affairs Committee), and half shall be appointed by the President of the Senate upon recommendations of the majority and minority leaders of the Senate from Members of the Senate (not less than four of whom shall be from the Foreign Relations Committee).

Such appointments shall be for the period of each meeting of the Canada-United States Interparliamentary group except for the four members of the Foreign Affairs Committee and the four members of the Foreign Relations Committee, whose appointments shall be for the duration of each Congress.

The Chairman or Vice Chairman of the House delegation shall be a Member from the Foreign Affairs Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee.

(As amended Pub. L. 95–45, § 4(a), June 15, 1977, 91 Stat. 222; H. Res. 89, Feb. 5, 1979.)

AMENDMENTS

1977—Pub. L. 95–45 substituted "International Relations Committee" for "Foreign Affairs Committee" as the name of the House Committee from which not less than four of the House appointees must be drawn, added requirement that the appointment of the Senate appointees by the President of the Senate be made upon the recommendations of the majority and minority leaders of the Senate, and added provision that the Chairman or Vice Chairman of the House delegation be a Member from the International Relations Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation be a Member from the Foreign Relations Committee.

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs on Feb. 5, 1979, by House Resolution 89, 96th Congress.

SUBCHAPTER II—MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

§ 276h. United States group; appointment; term; meetings

Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually with representatives of the Chamber of Deputies and Chamber of Senators of the Mexican Congress for discussion of common problems in the interests of relations between the United States and Mexico. Of the Members of the Congress to be appointed for the purposes of this subchapter (hereinafter designated as the United States group) half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the Foreign Affairs Committee), and half shall be appointed by the President of the Senate upon recommendations of the majority and minority leaders of the Senate from Members of the Senate (not less than four of whom shall be from the Foreign Relations Committee). Such appointments shall be for the period of each meeting of the Mexico-United States Interparliamentary group except for the four members of the Foreign Affairs Committee, and the four members of the Foreign Relations Committee, whose appointments shall be for the duration of each Congress. The Chairman or Vice Chairman of the House delegation shall be a Member from the Foreign Affairs Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee.

(As amended Pub. L. 95–45, § 4(b), June 15, 1977, 91 Stat. 222); H. Res. 89, Feb. 5, 1979.)

AMENDMENTS

1977—Pub. L. 95–45 substituted "International Relations Committee" for "Foreign Affairs Committee" as the name of the House Committee from which not less than four of the House appointees must be drawn, added requirement that the appointment of the

Senate appointees by the President of the Senate be made upon the recommendations of the majority and minority leaders of the Senate, and added provision that the Chairman or Vice Chairman of the House delegation be a Member from the International Relations Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation be a Member from the Foreign Relations Committee.

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs on Feb. 5, 1979, by House Resolution 89, 96th Congress.

SUBCHAPTER IV—INTERNATIONAL BOUNDARY AND WATER COMMISSION

§ 277. International Boundary Commission, United States and Mexico; study of boundary waters

ANNUAL APPROPRIATIONS

An annual appropriation was contained in the following appropriation acts:

Sept. 24, 1979, Pub. L. 96-68, title I, § 100, 93 Stat. 418.

Oct. 10, 1978, Pub. L. 95-431, title I, § 101, 92 Stat. 1023.

Aug. 2, 1977, Pub. L. 95-86, title I, § 101, 91 Stat. 421.

§ 277d-3. Authorization for appropriations; activities for which available; contracts for excess amounts

There are authorized to be appropriated to the Department of State for the use of the Commission, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of the Treaty of February 3, 1944, and other treaties and conventions between the United States of America and the United Mexican States, under which the United States Section operates, and to discharge the statutory functions and duties of the United States Section. Such sums shall be available for construction, operation and maintenance of stream gaging stations, and their equipment and sites therefor; personal services and rent in the District of Columbia and elsewhere; services, including those of attorneys and appraisers, in accordance with the provisions of section 3109 of title 5, at rates for individuals not in excess of the maximum daily rate for grade GS-15 of the General Schedule and the United States Commissioner is authorized, notwithstanding the provisions of any other Act, to employ as consultants by contract or otherwise without regard to chapter 51 and subchapter III of chapter 53 of title 5, and the civil-service laws and regulations, retired personnel of the Armed Forces of the United States, who shall not be required to revert to an active status; travel expense, including, in the discretion of the Commissioner, expenses of attendance at meetings of organizations concerned with the activities of the Commission which may be necessary for the efficient discharge of the responsibilities of the Commission; hire, with or without personal services, of work animals, and animal-drawn, and motor-propelled (including passenger) vehicles and aircraft and equipment; acquisition by donation, purchase, or condemnation, of real and personal property, including expenses of abstracts, certificates of title, and recording fees; purchase of ice and drinking water; inspection of equipment, supplies and materials by contract or otherwise; drilling and testing of foundations and dam sites, by contract if deemed necessary; payment for official telephone service in the field in case of official telephones installed in private houses when authorized under regulations established by the Commissioner; purchase of firearms and ammunition for guard purposes; and such other objects and purposes as may be permitted by laws applicable, in whole or in part, to the United States Section: *Provided*, That, when appropriations have been made for the commencement or continuation of construction or operation and maintenance of any such project, the United States Commissioner, notwithstanding the provisions of section 665 of title 31, and sections 11 and 12 of title 41, or any other law, may enter into contracts beyond the amount actually appropriated for so much of the work on any such authorized project as the physical and orderly sequence of construction makes necessary, such contracts to be subject to and dependent upon future appropriations by Congress.

(As amended Aug. 17, 1977, Pub. L. 95-105, title V, § 514(c), 91 Stat. 862.)

REFERENCES IN TEXT

Grade GS-15, referred to in text, is contained in the General Schedule which is set out under section 5332 of Title 5, Government Organization and Employees.

AMENDMENTS

1977—Pub. L. 95-105 substituted "the maximum daily rate for grade GS-15 of the General Schedule" for "$100 per diem".

EFFECTIVE DATE OF 1977 AMENDMENT

Section 514(d) of Pub. L. 95-105 provided that: "The amendments made by this section [amending sections 277d-3, 277d-28, and 277d-31 of this title] shall take effect on October 1, 1977."

§ 277d-12. Expenditures for flood fighting, rescue operations, repairs or restoration of flood control works threatened or destroyed by floodwaters of Rio Grande

CODIFICATION

Section catchline is set out in this supplement to correct typographical error in main edition.

§ 277d-28. Authorization of appropriations

There is authorized to be appropriated to the Department of State for use of the United States Section, International Boundary and Water Commission, United States and Mexico, not in excess of $300,000 for the initial cost of the work authorized in sections 277d-26 to 277d-28 of this title, and not to exceed $30,000 based on December 1975 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein, annually thereafter for necessary maintenance.

(As amended Pub. L. 95-105, title V, § 514(b), Aug. 17, 1977, 91 Stat. 862.)

AMENDMENTS

1977—Pub. L. 95-105 inserted "based on December 1975 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein," following "$30,000".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-105 effective Oct. 1, 1977, see section 514(d) of Pub. L. 95-105, set out as an Effective Date of 1977 Amendment note under section 277d-3 of this title.

§ 277d-31. Authorization of appropriations

To defray costs that accrue to the United States under the agreement or agreements referred to in section 277d-30 of this title for the construction, operation, and maintenance of drainage conveyance canal projects, there are authorized to be appropriated to the Department of State for use of the United States Section, International Boundary and Water Commission, United States and Mexico, the following amounts:

(1) Not to exceed $690,000 for costs of construction.

(2) Upon completion of construction, not to exceed $25,000 based on estimated calendar year 1976 costs, plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein, annually for costs of operation and maintenance.

(As amended Pub. L. 95-105, title V, § 514(a), Aug. 17, 1977, 91 Stat. 862.)

AMENDMENTS

1977—Par. (2). Pub. L. 95-105 inserted "based on estimated calendar year 1976 costs, plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein," following "$25,000".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-105 effective Oct. 1, 1977, see section 514(d) of Pub. L. 95-105, set out as an Effective Date of 1977 Amendment note under section 277d-3 of this title.

§ 277f. Valley Gravity Canal and Storage Project

CHANGE OF NAME

The Bureau of Reclamation in the Department of the Interior was redesignated the Water and Power Resources Service pursuant to Secretarial Order No. 3042, eff. Nov. 6, 1979. See 44 F.R. 71828.

SUBCHAPTER V—GORGAS MEMORIAL LABORATORY

§ 278a. Annual report to Congress; examination of books and accounts

The Gorgas Memorial Institute shall make to Congress, on April 1 of each year, a full report of the operation and work of the Gorgas Memorial Laboratory during the fiscal year ending the preceding September 30, and shall include therewith a complete statement of the receipts and expenditures of said laboratory for such fiscal year. The books and accounts of the Gorgas Memorial Laboratory shall at all times be open to examination by the Comptroller General of the United States.

(As amended Oct. 7, 1978, Pub. L. 95-426, title VII, § 701(a), 92 Stat. 991.)

AMENDMENTS

1978—Pub. L. 95-426 substituted "on April 1 of each year" and "during the fiscal year ending the preceding September 30" for "annually, on the first Monday in December" and "up to the first of November next preceding", respectively.

§ 278b. Repealed. Pub. L. 95-426, title VII, § 701(b), Oct. 7, 1978, 92 Stat. 991

Section, act June 28, 1944, ch. 294, title I, § 1, 58 Stat. 402, related to a report to Congress of the operation and work of the laboratory, including the statement of the receipts and expenditures, such a report to cover a fiscal year period ending on June 30 of the calendar year immediately preceding the convening of each such session.

SUBCHAPTER VI—UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION

§ 279a. Authorization of appropriations for payment of United States expenses in Organization; limitation of contributions

ANNUAL APPROPRIATIONS

An annual appropriation to meet the obligations of membership in the Food and Agriculture Organization was contained in the following appropriation acts:

Pub. L. 96-68, title I, § 100, Sept. 24, 1979, 93 Stat. 417.

Pub. L. 95-431, title I, § 101, Oct. 10, 1978, 92 Stat. 1022.

Pub. L. 95-86, title I, § 101, Aug. 2, 1977, 91 Stat. 420.

SUBCHAPTER VII—SOUTH PACIFIC COMMISSION

§ 280b. Authorization of appropriations

ANNUAL APPROPRIATIONS

An annual appropriation was contained in the following appropriation acts:

Sept. 24, 1979, Pub. L. 96-68, title I, § 100, 93 Stat. 417.

Oct. 10, 1978, Pub. L. 95-431, title I, § 101, 92 Stat. 1022.

Aug. 2, 1977, Pub. L. 95-86, title I, § 101, 91 Stat. 420.

SUBCHAPTER VIII—CARIBBEAN COMMISSION

§ 280i. Authorization of appropriations

ANNUAL APPROPRIATIONS

An annual appropriation was contained in the following appropriation acts:

Sept. 24, 1979, Pub. L. 96-68, title I, § 100, 93 Stat. 417.

Oct. 10, 1978, Pub. L. 95-431, title I, § 101, 92 Stat. 1022.

Aug. 2, 1977, Pub. L. 95-86, title I, § 101, 91 Stat. 420.

SUBCHAPTER IX—PAN AMERICAN RAILWAY CONGRESS

§ 280k. Authorization of appropriations

ANNUAL APPROPRIATIONS

An annual appropriation to meet the obligations of membership in the Pan American Railway Congress Association was contained in the following appropriation acts:

Pub. L. 96-68, title I, § 100, Sept. 24, 1979, 93 Stat. 417.

Pub. L. 95-431, title I, § 101, Oct. 10, 1978, 92 Stat. 1022.
Pub. L. 95-86, title I, § 101, Aug. 2, 1977, 91 Stat. 420.

SUBCHAPTER XI—INTERNATIONAL FINANCE CORPORATION

§ 282. Acceptance of membership by United States in International Finance Corporation

CROSS REFERENCES

Advancement of human rights through United States assistance policies with international financial institutions, see section 262d of this title.

§ 282i. Increase in capital stock of Corporation; subscription to additional shares; authorization of appropriations

(a) The United States Governor of the Corporation is authorized—

(1) to vote for an increase of five hundred and forty thousand shares in the authorized capital stock of the Corporation; and

(2) if such increase becomes effective, to subscribe on behalf of the United States to one hundred and eleven thousand four hundred and ninety-three additional shares of the capital stock of the Corporation: *Provided, however,* That any commitment to make payment for such additional subscriptions shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the increase in the United States subscription to the Corporation provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $111,493,000 for payment by the Secretary of the Treasury.

(Aug. 11, 1955, ch. 788, § 11, as added Oct. 3, 1977, Pub. L. 95-118, title III, § 301, 91 Stat. 1068.)

EFFECTIVE DATE

Section 1001 of Pub. L. 95-118 provided that: "This Act [which enacted sections 262c to 262g, 282i, 284n, 285s, 285t, 286e-1f, and 290g-10 of this title, repealed sections 283y, 284m, 290g-9 of this title, and enacted provision set out as a note under section 262c of this title] shall take effect on the date of its enactment [Oct. 3, 1977], except that no funds authorized to be appropriated by any amendment contained in title II, III, IV, V, or VI [enacting sections 286e-1f, 282i, 284n, 285s, 285t, or 290g-10 of this title, respectively] may be available for use or obligation prior to October 1, 1977".

SUBCHAPTER XII—INTER-AMERICAN DEVELOPMENT BANK

§ 283. Acceptance of membership by United States in Inter-American Development Bank

CROSS REFERENCES

Advancement of human rights through United States assistance policies with international financial institutions, see section 262d of this title.

§ 283y. Repealed. Pub. L. 95-118, title VII, § 702, Oct. 3, 1977, 91 Stat. 1070

Section, Pub. L. 86-147, § 28, as added Pub. L. 94-302, title I, § 103(a)(1), May 31, 1976, 90 Stat. 592; H. Res. 5, Jan. 4, 1977, set forth provisions relating to United States participation in financial assistance by the Inter-American Development Bank to any country engaging in a consistent pattern of gross violations of internationally recognized human rights. See section 262d of this title.

EFFECTIVE DATE OF REPEAL

Section repealed effective on Oct. 3, 1977, see section 1001 of Pub. L. 95-118, set out as an Effective Date note under section 282i of this title.

SUBCHAPTER XIII—INTERNATIONAL DEVELOPMENT ASSOCIATION

§ 284. Acceptance of membership by United States in International Development Association

CROSS REFERENCES

Advancement of human rights through United States assistance policies with international financial institutions, see section 262d of this title.

§ 284m. Repealed. Pub. L. 95-118, title VII, § 702, Oct. 3, 1977, 91 Stat. 1070

Section, Pub. L. 86-565, § 15, as added Pub. L. 93-373, § 3, Aug. 14, 1974, 88 Stat. 445, set forth provisions relating to United States participation in loans by the International Development Association to any country developing any nuclear explosive device. See section 262d of this title.

EFFECTIVE DATE OF REPEAL

Section repealed effective on Oct. 3, 1977, see section 1001 of Pub. L. 95-118, set out as an Effective Date note under section 282i of this title.

§ 284n. Additional authorization for payment of United States contribution; authorization of appropriations

(a) The United States Governor is authorized to agree on behalf of the United States to pay to the Association $2,400,000,000 as the United States contribution to the fifth replenishment of the Resources of the Association: *Provided, however,* That any commitment to make such contributions shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $2,400,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 86-565, § 16, as added Pub. L. 95-118, title IV, § 401, Oct. 3, 1977, 91 Stat. 1068.)

EFFECTIVE DATE

Section effective on Oct. 3, 1977, except that no funds authorized to be appropriated by this section may be available for use or obligation prior to Oct. 1, 1977, see section 1001 of Pub. L. 95-118, set out as an Effective Date note under section 282i of this title.

SUBCHAPTER XIV—ASIAN DEVELOPMENT BANK

§ 285. Acceptance of membership by United States in Asian Development Bank

CROSS REFERENCES

Advancement of human rights through United States assistance policies with international financial institutions, see section 262d of this title.

§ 285s. Additional subscription to shares; authorization of appropriations

(a) The United States Governor of the Bank is authorized to subscribe on behalf of the United States to sixty-seven thousand and five hundred additional shares of the capital stock of the Bank: *Provided, however,* That any subscription to additional shares shall be made only after the amount required for such subscription has been appropriated.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there are authorized to be appropriated without fiscal year limitation $814,286,250 for payment by the Secretary of the Treasury.

(Pub. L. 89-369, § 22, as added Pub. L. 95-118, title V, § 501, Oct. 3, 1977, 91 Stat. 1068.)

EFFECTIVE DATE

Section effective on Oct. 3, 1977, except that no funds authorized to be appropriated by this section may be available for use or obligation prior to Oct. 1, 1977, see section 1001 of Pub. L. 95-118, set out as an Effective Date note under section 282i of this title.

§ 285t. Additional contribution to special funds; authorization of appropriations

(a) The United States Governor of the Bank is authorized to contribute on behalf of the United States $180,000,000 to the Asian Development Fund, a special fund of the Bank: *Provided, however,* That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution to the Asian Development Fund provided for in this section, there are authorized to be appropriated without fiscal year limitation $180,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 89-369, § 23, as added Pub. L. 95-118, title V, § 501, Oct. 3, 1977, 91 Stat. 1069.)

EFFECTIVE DATE

Section effective on Oct. 3, 1977, except that no funds authorized to be appropriated by this section may be available for use or obligation prior to Oct. 1, 1977, see section 1001 of Pub. L. 95-118, set out as an Effective Date note under section 282i of this title.

SUBCHAPTER XV—INTERNATIONAL MONETARY FUND AND BANK FOR RECONSTRUCTION AND DEVELOPMENT

§ 286. Acceptance of membership by United States in International Monetary Fund

CROSS REFERENCES

Advancement of human rights through United States assistance policies with international financial institutions, see section 262d of this title.

§ 286a. Appointments

[*See main edition for text of* (a) *and* (b)]

(c) Governor to serve as councillor; alternates and associates

Should the provisions of Schedule D of the Articles of Agreement of the Fund apply, the Governor of the Fund shall also serve as councillor, shall designate an alternate for the councillor, and may designate associates.

(d) Compensation for services

(1) No person shall be entitled to receive any salary or other compensation from the United States for services as a Governor, executive director, councillor, alternate, or associate.

(2) The United States executive director of the Fund shall not be compensated by the Fund at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5. The United States alternate executive director of the Fund shall not be compensated by the Fund at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5.

(3) The Secretary of the Treasury shall instruct the United States executive director of the Fund to present to the Fund's Executive Board a comprehensive set of proposals, consistent with maintaining high levels of competence of Fund personnel and consistent with the Articles of Agreement, with the objective of assuring that salaries and other compensation accorded Fund employees do not exceed those received by persons filling similar levels of responsibility within national government service or private industry. The Secretary shall report these proposals together with any measures adopted by the Fund's Executive Board to the Congress prior to February 1, 1979.

(July 31, 1945, ch. 339, § 3, 59 Stat. 512; Aug. 15, 1973, Pub. L. 93-94, 87 Stat. 314; Oct. 19, 1976, Pub. L. 94-564, § 2, 90 Stat. 2660; Oct. 10, 1978, Pub. L. 95-435, § 2, 92 Stat. 1051.)

AMENDMENTS

1978—Subsec. (d). Pub. L. 95-435 designated existing provisions as par. (1) and added pars. (2) and (3).

1976—Subsec. (c). Pub. L. 94-564, § 2(1), amended subsec. (c) generally, to provide that the Governor serve as councillor and designate an alternate and associates. Former provisions relating to compensation were included in subsec. (d).

Subsec. (d). Pub. L. 94-564, § 2(2), added subsec. (d).

EFFECTIVE DATE OF 1976 AMENDMENT

Section 9 of Pub. L. 94-564 provided that: "The amendments made by sections 2, 3, 4, 5, 6, and 7 of this Act [amending sections 286a, 286c, 286e-2, 286o, 286q, and 286r of this title, and section 822a of Title 31, Money and Finance] shall become effective upon the entry into force of the amendments to the Articles of Agreement of the International Monetary Fund approved in Resolution Numbered 31-4 of the Board of Governors of the Fund. Such amendments entered into force Apr. 1, 1978.

§ 286b. National Advisory Council on International Monetary and Financial Problems

EX. ORD. NO. 11269. NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES

Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, as amended by Ex. Ord. No. 11334, Mar. 7, 1967, 32 F.R. 3933; Ex. Ord. No. 11808, Sept. 30, 1974, 39 F.R. 35563; Ex. Ord. No. 11977, Mar. 14, 1977, 42 F.R. 14671; Ex. Ord. No. 12164, Sept. 29, 1979, 44 F.R. 56681; Ex. Ord. No. 12188, Jan. 2, 1980, 45 F.R. 989, provided:

[*See main edition for text of first par.*]

SECTION 1. *Establishment of Council.* (a) There is hereby established the National Advisory Council on International Monetary and Financial Policies, hereinafter referred to as the Council.

(b) The Council shall be composed of the following members: the Secretary of the Treasury, who shall be the chairman of the Council, the Assistant to the President for Economic Affairs, who shall be Deputy Chairman of the Council, the Secretary of State, the United States Trade Representative, the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve System, the Director of the International Development Cooperation Agency, and the President of the Export-Import Bank of Washington [now the Export-Import Bank of the United States].

[*See main edition for text of* (c); *Sec. 2*]

SEC. 3. *Functions of the Secretary of the Treasury.* (a) Functions which are now vested in the President in consequence of their transfer to him effected by the provisions of Section 1(b) of Reorganization Plan No. 4 of 1965 are hereby delegated to the Secretary of the Treasury to the extent of the following:

(1) Authority, subject to the provisions of Section 7 of this Order, to instruct representatives of the United States to international financial organizations.

(2) Authority provided for in Section 4(b)(4) of the Bretton Woods Agreements Act (22 U.S.C. 286b(b)(4)). Such authority, insofar as it relates to the development aspects of the policies, programs, or projects of the International Bank for Reconstruction and Development shall be exercised subject to the provisions of Section 7 of this Order.

[*See main edition for text of* (*b*) *to* (*d*)]

(e) The Secretary of the Treasury is hereby delegated the functions conferred upon the President by Section 203(b) and Section 207 of the Act of May 31, 1976 (90 Stat. 593 and 594, 22 U.S.C. 290g–1 and 290g–5), subject to the provisions of Section 7 of this Order.

SEC. 4. *Information.* (a) All agencies and officers of the Government, including representatives of the United States to international financial organizations, (1) shall keep the Council or the Secretary of the Treasury, as the case may be, fully informed concerning the foreign loan, financial, exchange, and monetary transactions in which they engage or may engage or with respect to which they have other responsibility, and (2) shall provide the Council, the Director of the International Development Cooperation Agency, and the Secretary with such further information or data in their possession as the Council, the Director of the International Development Cooperation Agency, or the Secretary, as the case may be, may deem necessary to the appropriate discharge of the responsibilities of the Council, the Director of the International Development Cooperation Agency, and Secretary under Sections 2 and 3 of this order, respectively.

[*See main edition for text of* (*b*); *Secs. 5 and 6*]

SEC. 7. *Functions of the Director of the International Development Cooperation Agency.* As the principal international development advisor to the President, the Director of the International Development Cooperation Agency shall advise both the Secretary of the Treasury and the appropriate United States representatives to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund on the development aspects of matters relating to those institutions and their activities.

§ 286c. Congressional authorization needed for certain actions

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States (a) request or consent to any change in the quota of the United States under article III, section 2(a), of the Articles of Agreement of the Fund; (b) propose a par value for the United States dollar under paragraph 2, paragraph 4, or paragraph 10 of schedule C of the Articles of Agreement of the Fund; (c) propose any change in the par value of the United States dollar under paragraph 6 of schedule C of the Articles of Agreement of the Fund, or approve any general change in par values under paragraph 11 of schedule C; (d) subscribe to additional shares of stock under article II, section 3, of the Articles of Agreement of the Bank; (e) accept any amendment under article XXVIII of the Articles of Agreement of the Fund or Article VIII of the Articles of Agreement of the Bank; (f) make any loan to the Fund or the Bank; or (g) approve either the disposition of more than 25 million ounces of Fund gold for the benefit of the Trust Fund established by the Fund on May 6, 1976, or the establishment of any additional trust fund whereby resources of the International Monetary Fund would be used for the special benefit of a single member, or of a particular segment of the membership, of the fund. Unless Congress by law authorizes such action, no governor or alternate appointed to represent the United States shall vote for an increase of capital stock of the Bank under article II, section 2, of the Articles of Agreement of the Bank, if such increase involves an increased subscription on the part of the United States.

(July 31, 1945, ch. 339, § 5, 59 Stat. 514; Aug. 14, 1965, Pub. L. 89–126, § 1(2), 79 Stat. 519; Oct. 19, 1976, Pub. L. 94–564, § 3, 90 Stat. 2660; Oct. 28, 1977, Pub. L. 95–147, § 4(a)(1), 91 Stat. 1228.)

AMENDMENTS

1977—Pub. L. 95–147 added to clause (g) provisions relating to disposition of more than 25 million ounces of Fund gold for the benefit of the Trust Fund.

1976—Pub. L. 94–564 amended clauses (a) to (g) generally.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment effective Apr. 1, 1978, see section 9 of Pub. L. 94–564 set out as an Effective Date of 1976 Amendment note under section 286a of this title.

§ 286e–1f. Additional increase in capital stock of Bank; subscription to additional shares; authorization of appropriations

(a) The United States Governor of the Bank is authorized—

(1) to vote for an increase of seventy thousand shares in the authorized capital stock of the Bank; and

(2) if such increase becomes effective, to subscribe on behalf of the United States to thirteen thousand and five additional shares of the capital stock of the Bank: *Provided, however,* That any subscription to additional shares shall be made only after the amount required for such subscription has been appropriated.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there are authorized to be appropriated, without fiscal year limitation,

$1,568,856,318 for payment by the Secretary of the Treasury.

(July 31, 1945, ch. 339, § 27, as added Oct. 3, 1977, Pub. L. 95-118, title II, § 201, 91 Stat. 1067.)

EFFECTIVE DATE

Section effective on Oct. 3, 1977, except that no funds authorized to be appropriated by this section may be available for use or obligation prior to Oct. 1, 1977, see section 1001 of Pub. L. 95-118, set out as an Effective Date note under section 282l of this title.

§ 286e-2. Loans to Fund

(a) Limitation; balance of payments and reserve position considerations

In order to carry out the purposes of the decision of January 5, 1962, of the Executive Directors of the International Monetary Fund, the Secretary of the Treasury is authorized to make loans, not to exceed $2,000,000,000 outstanding at any one time, to the Fund under article VII, section 1(i), of the Articles of Agreement of the Fund. Any loan under the authority granted in this subsection shall be made with due regard to the present and prospective balance of payments and reserve position of the United States.

[*See main edition for text of (b) and (c)*]

(July 31, 1945, ch. 339, § 17, as added June 19, 1962, Pub. L. 87-490, § 1, 76 Stat. 105, and amended Oct. 19, 1976, Pub. L. 94-564, § 4, 90 Stat. 2661.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-564 substituted "section 1(i)" for "section 2(i)".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment effective Apr. 1, 1978, see section 9 of Pub. L. 94-564 set out as an Effective Date of 1976 Amendment note under section 286a of this title.

§ 286e-7. Supplementary Financing Facility

(a) Availability of resources

For the purpose of participation of the United States in the Supplementary Financing Facility (hereinafter referred to as the "facility") established by the decision numbered 5508-(77/127) of the Executive Directors of the Fund, the Secretary of the Treasury is authorized to make resources available as provided in the decision numbered 5509-(77/127) of the Fund, in an amount not to exceed the equivalent of 1,450 million Special Drawing Rights.

(b) Adjustments in the value of monetary assets

The Secretary of the Treasury shall account, through the fund established by section 822a of title 31, for any adjustment in the value of monetary assets held by the United States in respect of United States participation in the facility.

(c) Authorization of appropriations

Notwithstanding any other provision of this section, the authority of the Secretary to enter into agreements making resources available under this section shall be limited to such amounts as are appropriated in advance in appropriation Acts. Effective October 1, 1978, there are hereby authorized to be appropriated to the Secretary of the Treasury, without fiscal year limitation, such sums as are necessary to carry out subsection (a) of this section, but not to exceed an amount of dollars equivalent to 1,450 million Special Drawing Rights.

(July 31, 1945, ch. 339, § 28, as added Oct. 10, 1978, Pub. L. 95-435, § 1, 92 Stat. 1051.)

§ 286e-8. Treatment of creditors in debt rescheduling

The Secretary of the Treasury shall instruct the United States executive director to seek to assure that no decision by the International Monetary Fund on the use of the facility undermines or departs from United States policy regarding the comparability of treatment of public and private creditors in cases of debt rescheduling where official United States credits are involved.

(July 31, 1945, ch. 339, § 29, as added Oct. 10, 1978, Pub. L. 95-435, § 3, 92 Stat. 1052.)

286e-9. Stabilization programs; report to Congress

(a) The Secretary of the Treasury shall instruct the United States executive director on the Executive Board of the International Monetary Fund to initiate a wide consultation with the managing director of the Fund and other member country executive directors with regard to encouraging the staff of the Fund to formulate stabilization programs entered into pursuant to loans from the Supplementary Financing Facility which, to the maximum feasible extent, foster a broader base of productive investment and employment, especially in those productive activities which are designed to meet basic human needs.

(b) In order to gain a better understanding of the social, political and economic impact of the Fund's stabilization programs entered into pursuant to loans from the Supplementary Financing Facility on borrowing countries, especially as it relates to the poor majority within those countries, the United States Governor of the Fund shall prepare and submit, not later than 180 days after the close of each calendar year, a report to the Congress. Such report shall evaluate, to the maximum extent feasible, with respect to countries to which loans are made by the Supplementary Financing Facility during each year, the effects of policies of those countries which result from the standby agreements on basic human needs in such countries.

(July 31, 1945, ch. 339, § 30, as added Oct. 10, 1978, Pub. L. 95-435, § 4, 92 Stat. 1052.)

§ 286e-10. Report to Congress on status of human rights

The Secretary of the Treasury shall in consultation with the Secretary of State prepare and submit to the Congress an annual report on the status of internationally recognized human rights, as defined in section 2151n(a) of this title, in each country which draws on funds made available under the Supplementary Financing Facility of the International Monetary Fund.

(July 31, 1945, ch. 339, § 31, as added Oct. 10, 1978, Pub. L. 95-435, § 4, 92 Stat. 1052.)

§ 286e-11. Assistance by the Fund to any country harboring international terrorists

The Secretary of the Treasury shall instruct the Executive Director of the United States to the International Monetary Fund to work in opposition to any extension of financial or technical assistance by the Supplemental Financing Facility or by any other agency or facility of such Fund to any country the government of which—

(1) permits entry into the territory of such country to any person who has committed an act of international terrorism, including any act of aircraft hijacking, or otherwise supports, encourages, or harbors such person; or

(2) fails to take appropriate measures to prevent any such person from committing any such act outside the territory of such country.

(Pub. L. 95-435, § 6, Oct. 10, 1978, 92 Stat. 1053.)

CODIFICATION

Section was not enacted as part of the Bretton Woods Agreements Act, which comprises this subchapter.

§ 286f. Obtaining and furnishing information to the Fund

EX. ORD. NO. 10033. REGULATIONS GOVERNING THE PROVIDING OF STATISTICAL INFORMATION TO INTERGOVERNMENTAL ORGANIZATIONS

Ex. Ord. No. 10033, Feb. 8, 1949, 14 F.R. 561, as amended by Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813; Ex. Ord. No. 12013, Oct. 7, 1977, 42 F.R. 54931, provided:

SECTION 1. Except as provided in section 2 hereof, the Secretary of Commerce, hereinafter referred to as the Secretary, (a) shall determine, with the concurrence of the Secretary of State, what statistical information shall be provided in response to official requests received by the United States Government from any intergovernmental organization of which this country is a member, and (b) shall determine which Federal executive agency or agencies shall prepare the statistical information thus to be provided. The statistical information so prepared shall be transmitted to the requesting intergovernmental organization through established channels by the Secretary of State or by any Federal executive agency now or hereafter authorized by the Secretary of State to transmit such information.

SEC. 2. (a) The National Advisory Council on International Monetary and Financial Policies, hereinafter referred to as the National Advisory Council, shall determine, after consultation with the Secretary, what information is essential in order that the United States Government may comply with official requests for information received from the International Monetary Fund or the International Bank for Reconstruction and Development.

(b) The Secretary shall determine which Federal executive agency or agencies shall collect or make available information found essential under section 2(a) hereof.

(c) In the collection of information pursuant to a determination made by the Secretary under section 2(b) hereof in response to a request under article VIII, section 5, of the Articles of Agreement of the International Monetary Fund, the authority conferred on the President by section 8 of the Bretton Woods Agreements Act [this section] to require any person to furnish such information, by subpoena or otherwise, may be exercised by each of the following-named agencies:

Department of Agriculture.
Department of Commerce.
Department of the Interior.
Department of Labor.
Department of the Treasury.
Board of Governors of the Federal Reserve System.
Federal Communications Commission.
Federal Deposit Insurance Corporation.
Federal Power Commission.
Federal Trade Commission.
Interstate Commerce Commission.
Securities and Exchange Commission.
United States Maritime Commission.
United States Tariff Commission [now the United States International Trade Commission].

(d) The information collected or made available under section 2 of this order shall be submitted to the National Advisory Council for review and for presentation to the said Fund or Bank.

(e) As used in this order, the word "person" means an individual, partnership, corporation, or association.

SEC. 3. The Secretary's determination of any matter under section 1 or section 2(b) of this order shall be made after consulting appropriate Federal executive agencies and giving due consideration to any responsibility now exercised by any of them in relation to an intergovernmental organization.

SEC. 4. This order shall not be construed to authorize the Secretary or the National Advisory Council to provide, or to require any Federal executive agency to provide, to an intergovernmental organization (a) information during any period of time when the agency having primary responsibility for security of the specified information declares that it must be withheld from the intergovernmental organization in the interest of military security, or (b) information which any Federal executive agency is required by law to maintain on a confidential basis.

SEC. 5. The Secretary and the National Advisory Council are authorized to prescribe such regulations as may be necessary to carry out their respective responsibilities under this order.

SEC. 6. To the extent that this order conflicts with any previous Executive order, the provisions of this order shall control.

SEC. 7. The performance of the functions vested in the Secretary by this Order shall be subject to any authority or responsibility vested in the Director of the Office of Management and Budget, including Chapter 35 of Title 44 of the United States Code (the Federal Reports Act).

§ 286k. Further promotion of international economic relations; transmittal of information to congressional committees

(a) In the realization that additional measures of international economic cooperation are necessary to facilitate the expansion and balanced growth of international trade and render most effective the operations of the Fund and the Bank, it is declared to be the policy of the United States to seek to bring about further agreement and cooperation among nations and international bodies, as soon as possible, on ways and means which will best reduce obstacles to and restrictions upon international trade, eliminate unfair trade practices, promote mutually advantageous commercial relations, and otherwise facilitate the expansion and balanced growth of international trade and promote the stability of international economic relations. In considering the policies of the United States in foreign lending and the policies of the Fund and the Bank, particularly in conducting exchange transactions, the Council

and the United States representatives on the Fund and the Bank shall give careful consideration to the progress which has been made in achieving such agreement and cooperation.

(b) The President shall, upon the request of any committee of the Congress with legislative or oversight jurisdiction over monetary policy or the International Monetary Fund, provide to such committee any appropriate information relevant to that committee's jurisdiction which is furnished to any department or agency of the United States by the International Monetary Fund. The President shall comply with this provision consistent with United States membership obligations in the International Monetary Fund and subject to such limitations as are appropriate to the sensitive nature of the information.

(As amended Oct. 28, 1977, Pub. L. 95-147, § 4(a)(2), 91 Stat. 1228.)

AMENDMENTS

1977—Pub. L. 95-147 designated existing provisions as subsec. (a) and added subsec. (b).

§ 286o. Administration as part of the Exchange Stabilization Fund

(a) Special Drawing Rights allocated to the United States pursuant to article XVIII of the Articles of Agreement of the Fund, and Special Drawing Rights otherwise acquired by the United States, shall be credited to the account of, and administered as part of, the Exchange Stabilization Fund established by section 822a of title 31.

(b) The proceeds resulting from the use of Special Drawing Rights by the United States, and payments of interest to the United States pursuant to article XX, article XXIV, and article XXV of the Articles of Agreement of the Fund, shall be deposited in the Exchange Stabilization Fund. Currency payments by the United States in return for Special Drawing Rights, and payments of charges or assessments pursuant to article XX, article XXIV, and article XXV of the Articles of Agreement of the Fund, shall be made from the resources of the Exchange Stabilization Fund.

(Pub. L. 90-349, § 3, June 19, 1968, 82 Stat. 188; Pub. L. 94-564, § 5(1), (2), Oct. 19, 1976, 90 Stat. 2661.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-564, § 5(1), substituted "article XVIII" for "article XXIV".

Subsec. (b). Pub. L. 94-564, § 5(2), substituted "article XX, article XXIV, and XXV" for "article XXVI, article XXX, and article XXXI" wherever appearing.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment effective Apr. 1, 1978, see section 9 of Pub. L. 94-564 set out as an Effective Date of 1976 Amendment note under section 286a of this title.

§ 286q. Limitation on allocations to the United States

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate in each basic period Special Drawing Rights under article XVIII, sections 2 and 3, of the Articles of Agreement of the Fund so that allocations to the United States in that period exceed an amount equal to the United States quota in the Fund as authorized under the Bretton Woods Agreements Act [22 U.S.C. 286 et seq.].

(Pub. L. 90-349, § 6, June 19, 1968, 82 Stat. 189; Pub. L. 91-599, ch. 1, § 2, Dec. 30, 1970, 84 Stat. 1657; Pub. L. 94-564, § 5(3), Oct. 19, 1976, 90 Stat. 2661.)

AMENDMENTS

1976—Pub. L. 94-564 substituted "article XVIII" for "article XXIV".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment effective Apr. 1, 1978, see section 9 of Pub. L. 94-564 set out as an Effective Date of 1976 Amendment note under section 286a of this title.

§ 286r. United States participation in special drawing account

The provisions of article XXI(b) of the Articles of Agreement of the Fund shall have full force and effect in the United States and its territories and possessions when the United States becomes a participant in the special drawing account.

(Pub. L. 90-349, § 7, June 19, 1968, 82 Stat. 189; Pub. L. 94-564, § 5(4), Oct. 19, 1976, 90 Stat. 2661.)

AMENDMENTS

1976—Pub. L. 94-564 substituted "article XXI(b)" for "article XXVII(b)".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment effective Apr. 1, 1978, see section 9 of Pub. L. 94-564 set out as an Effective Date of 1976 Amendment note under section 286a of this title.

SUBCHAPTER XVI—UNITED NATIONS ORGANIZATION

§ 287. Representation in Organization

INTERNATIONAL YEAR OF THE CHILD

Pub. L. 95-561, title XV, §§ 1501 to 1507, Nov. 1, 1978, 92 Stat. 2373-2375, provided that:

"DECLARATION OF PURPOSE OF THE INTERNATIONAL YEAR OF THE CHILD

"Sec. 1501. The United Nations General Assembly, by a resolution approved at its thirty-first session, has designated the year 1979 as the International Year of the Child. This action was designed to focus national and international attention on various aspects of the needs of children and to encourage all nations, individually and in cooperation, to take appropriate and relevant actions to meet them. The General Assembly called upon member states and international organizations to participate fully in the International Year of the Child and to devote the year 1979 to efforts at the international, national and community levels to provide lasting improvements in the well-being of children.

"ESTABLISHMENT OF A NATIONAL COMMISSION

"Sec. 1502. (a) The President shall establish a National Commission on the International Year of the Child (hereinafter in this Act [see Short Title note set out under section 2701 of Title 20, Education] referred to as the 'Commission'), and to appoint to the Commission not more than twenty-five members chosen from among citizens in private life.

"(b) The President shall designate a Chairperson and two Vice Chairpersons from among the members.

"(c) The President of the Senate and the Speaker of the House of Representatives may each designate two Members of the Senate and the House of Representatives, respectively, to serve on the Commission, in addition to the members to be appointed by the President.

"FUNCTIONS OF THE COMMISSION

"Sec. 1503. (a) The Commission shall promote: (i) effective and significant observance in the United States of 1979 as the International Year of the Child (hereinafter in this Act referred to as the 'Year'), with particular reference to the goals stated in section 2; (ii) cooperation by the United States with UNICEF and other international organizations and with other nations to achieve the objectives of the Year. To these ends, the Commission shall seek to stimulate within the United States a better understanding of, and actions to meet, the needs of children both in this and in other countries. Such needs would include, but not be limited to the social, health, educational, and developmental needs of children, as well as concern for the general conditions and rights of children.

"(b) The Commission shall keep informed of activities undertaken or planned by various organizations and groups in the United States and abroad in observance of the Year and shall consult with such groups and stimulate such activities and programs through community, civic, local, State, regional, national, Federal, international, private and professional organizations.

"(c) The Commission may conduct studies, inquiries, and hearings and hold meetings as it deems necessary. It may assemble and disseminate information and issue reports and other publications. It may also coordinate, sponsor, perform, or oversee projects, studies, events, and other activities that it deems necessary or desirable for the observance of the Year.

"(d) The Commission shall make recommendations to the President on national policies in furtherance of the goals of the Year; and shall make a final report to the President on its work and recommendations not later than March 31, 1980.

"COORDINATION AND ADMINISTRATION

"Sec. 1504. (a) The Commission is authorized to establish such subcommittees, the membership of which may include persons not members of the Commission, as it deems necessary to carry out the purpose of this Act.

"(b) Each agency of the executive branch of the Government is authorized: (1) to furnish to the Commission, upon request of the Chairperson of the Commission, such information, advice, services, and funds as may be useful to the Commission for the fulfillment of its functions under this Act, and (2) to detail personnel to the Commission.

"(c) Each member of the Commission or any of its subcommittees, who is not a member of Congress may, while serving on business of the Commission, be compensated at a rate not to exceed the daily equivalent of GS-15 for each day they are engaged in the actual performance of duties.

"(d) The Commission may appoint such staff personnel as it considers necessary to carry out its duties under this Act without regard to the provisions of title 5, United States Code, governing appointment in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that not more than two individuals so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS-15 of the General Schedule. Appointments shall be made without regard to political affiliation.

"(e) The Commission is authorized to accept and use services of voluntary and uncompensated personnel. Such personnel shall not be considered Federal employees for any purpose other than for purposes of chapter 81 of title 4, United States Code (relating to compensation for injury), and sections 2671 through 2680 of title 28, United States Code (relating to tort claims), and shall not perform the work of Federal employees.

"(f) Members or staff of the Commission or of a subcommittee thereof, shall be allowed travel expenses while attending meetings of the Commission or its subcommittees or otherwise engaged in the business of the Commission away from their homes or regular places of business, including per diem in lieu of subsistence, as authorized under section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(g) The Commission is authorized to procure such temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code.

"(h) The Commission is authorized to accept, use, and dispose of contributions of money or property.

"(i) The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

"(j) The Commission may use the United States mails under the same conditions as other departments and agencies of the United States.

"(k) The powers granted the Commission by this Act shall be in addition to those granted by Executive Order 12053. The powers granted the Commission by Executive Order 12053 may be employed to fulfill the responsibilities of the Commission under this Act.

"(l) The powers granted the Commission under this Act may be delegated to any member or employee of the Commission by the Commission Chairperson.

"(m) Financial and administrative support services (including those related to budget and accounting, financial reporting, personnel, and procurement) shall be provided to the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission, in such amounts as may be agreed upon by the Chairperson of the Commission and the Administrator of the General Services Administration.

"WAIVERS OF CERTAIN OTHER PROVISIONS OF LAW

"Sec. 1505. In order to expedite matters pertaining to the planning for, and work of, the Commission, the Commission is authorized to make purchases and contracts without regard to section 252 of title 41 of the United States Code, pertaining to advertising and competitive bidding, and may arrange for the printing of any material pertaining to the work of the Commission without regard to the Government Printing and Binding Regulations and any related laws or regulations.

"TERMINATION DATE

"Sec. 1506. The Commission shall continue in existence until thirty days after submission of its final report to the President pursuant to section 1503(d), at which time it shall terminate, but the life of the Commission shall in no case extend beyond April 30, 1980.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 1507. There are authorized to be appropriated, without fiscal year limitations such sums as may be necessary to carry out the provisions of this Act. Such sums shall remain available for obligation until expended. No funds authorized hereunder may be used for lobbying activities."

Ex. Ord. No. 10422. Loyalty Procedures for Employees

Ex. Ord. No. 10422, Jan. 9, 1953, 18 F.R. 239, as amended by Ex. Ord. No. 10459, June 2, 1953, 18 F.R.

3183; Ex. Ord. No. 10763, Apr. 23, 1958, eff. July 1, 1958, 23 F.R. 2767; Ex. Ord. No. 11890, Dec. 10, 1975, 40 F.R. 57775; Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

PART I—INVESTIGATION OF UNITED STATES CITIZENS EMPLOYED OR BEING CONSIDERED FOR EMPLOYMENT ON THE SECRETARIAT OF THE UNITED NATIONS

1. Whenever the Secretary of State receives, from the Secretary General of the United Nations, the name of and other necessary identifying data concerning each United States citizen employed or being considered for employment by the United Nations, the Secretary of State shall, consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and other applicable law, cause an investigation to be conducted as provided in paragraph 2 of this Part, or forward the information received from the Secretary General to the Office of Personnel Management, which shall conduct an investigation, consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and other applicable law, as provided in paragraphs 3 and 4 of this Part.

2. With respect to all applicants for short term appointments which will not exceed six months and which are not appointments to United Nations Secretariat professional posts or posts subject to geographical distribution, the Secretary of State shall cause an investigation to be conducted, which investigation shall be limited to a search of the files of the Department of State. If the investigation reveals any derogatory information within the meaning of the standard set forth in Part II of this order, the information received from the Secretary General of the United Nations shall be forwarded to the Office of Personnel Management, which shall conduct an investigation.

3(a) Whenever the Office of Personnel Management receives the information forwarded by the Secretary General to the Secretary of State, the Office of Personnel Management shall conduct a National Agency Check. Each National Agency Check shall include reference to the following: (1) Federal Bureau of Investigation files; (2) Office of Personnel Management files; (3) Military Intelligence files as appropriate; and (4) files of any other appropriate Government investigative or intelligence agency.

(b) If the investigation conducted by the Office of Personnel Management reveals that a favorable National Agency Check was previously completed, and the investigation conducted by the Office of Personnel Management has not disclosed any derogatory information within the meaning of the standard set forth in Part II of this order, completion of a new National Agency Check is not required if: (1) the applicant is or was previously employed by the same or another international organization without an immediately prior break in such service exceeding one year; (2) the applicant is or was a United States Government civilian or military employee, or a United States Government contract employee, without an immediately prior break in such employment exceeding one year; or (3) the applicant is transferred or detailed from an agency of the United States Government pursuant to the provisions of sections 3343, 3581, 3582, 3583, or 3584 of Title 5 of the United States Code.

4. Whenever information disclosed with respect to any person being investigated is derogatory, within the standard set forth in Part II of this order, the Office of Personnel Management shall forward such information to the Federal Bureau of Investigation, and the Bureau shall conduct a full field investigation of such persons.

5. Reports of full field investigations shall be forwarded through the Office of Personnel Management to the International Organizations Employees Loyalty Board, established by Part IV of this order and hereinafter referred to as the Board. Whenever such a report contains derogatory information, under the standard set forth in Part II of this order, there shall be made available to the person in question the procedures of the Board provided or authorized by Part IV of this order (including the opportunity of a hearing) for inquiring into the loyalty of the person as a United States citizen in accordance with the standard set forth in Part II of this order. The Board shall transmit its determinations, as advisory opinions, together with the reasons therefor stated in as much detail as the Board determines that security considerations permit, to the Secretary of State for transmission to the Secretary General of the United Nations for his use in exercising his rights and duties with respect to the personnel of the United Nations as set out in the Charter and in regulations and decisions of the competent organs of the United Nations.

[*See main edition for text of pars. 6 and 7; Parts II and III*]

PART IV—INTERNATIONAL ORGANIZATIONS EMPLOYEES LOYALTY BOARD

1. There is hereby established in the Office of Personnel Management an International Organizations Employees Loyalty Board of not less than three impartial persons, the members of which shall be officers or employees of the Office.

[*See main edition for text of pars. 2 to 4*]

5. Except as otherwise specified in this order, the Office of Personnel Management shall provide the necessary investigative and other services required by the Board. All agencies of the executive branch of the Government are authorized and directed to cooperate with the Board, and, to the extent permitted by law, to furnish the Board such information and assistance as it may require in the performance of its functions.

[*See main edition for text of par. 6*]

§ 287c. Economic and communication sanctions pursuant to United Nations Security Council Resolution

(a) Enforcement measures; importation of Rhodesian chromium

Notwithstanding the provisions of any other law, whenever the United States is called upon by the Security Council to apply measures which said Council has decided, pursuant to article 41 of said Charter, are to be employed to give effect to its decisions under said Charter, the President may, to the extent necessary to apply such measures, through any agency which he may designate, and under such orders, rules, and regulations as may be prescribed by him, investigate, regulate, or prohibit, in whole or in part, economic relations or rail, sea, air, postal, telegraphic, radio, and other means of communication between any foreign country or any national thereof or any person therein and the United States or any person subject to the jurisdiction thereof, or involving any property subject to the jurisdiction of the United States. Any Executive order which is issued under this subsection and which applies measures against Southern Rhodesia pursuant to any United Nations Security Council Resolution may be enforced, notwithstanding the provisions of any other law. The President may exempt from such Executive order any shipment of chromium in any form which is in transit to the United States on March 18, 1977.

(b) Penalties

Any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to

subsection (a) of this section shall, upon conviction, be find[1] not more than $10,000 or, if a natural person, be imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation or evasion shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, or vehicle, or aircraft, concerned in such violation shall be forfeited to the United States.

(c) Steel mill products containing chromium; certificate of origin; regulations; subpenas; certificate exemption; release from customs custody; definitions

(1) During the period in which measures are applied against Southern Rhodesia under subsection (a) of this section pursuant to any United Nations Security Council Resolution, a shipment of any steel mill product (as such product may be defined by the Secretary) containing chromium in any form may not be released from customs custody for entry into the United States if—

(A) a certificate of origin with respect to such shipment has not been filed with the Secretary; or

(B) in the case of a shipment with respect to which a certificate of origin has been filed with the Secretary, the Secretary determines that the information contained in such certificate does not adequately establish that the steel mill product in such shipment does not contain chromium in any form which is of Southern Rhodesian origin;

unless such release is authorized by the Secretary under paragraph (3)(B) or (C).

(2) The Secretary shall prescribe regulations for carrying out this subsection.

(3)(A) In carrying out this subsection, the Secretary may issue subpenas requiring the attendance and testimony of witnesses and the production of evidence. Any such subpena may, upon application by the Secretary, be enforced in a civil action in an appropriate United States district court.

(B) The Secretary may exempt from the certification requirements of this subsection any shipment of a steel mill product containing chromium in any form which is in transit to the United States on March 18, 1977.

(C) Under such circumstances as he deems appropriate, the Secretary may release from customs custody for entry into the United States, under such bond as he may require, any shipment of a steel mill product containing chromium in any form.

(4) As used in this subsection—

(A) the term "certificate of origin" means such certificate as the Secretary may require, with respect to a shipment of any steel mill product containing chromium in any form, issued by the government (or by a designee of such government if the Secretary is satisfied that such designee is the highest available certifying authority) of the country in which such steel mill product was produced certifying that the steel mill product in such shipment contains no chromium in any form which is of Southern Rhodesian origin; and

(B) the term "Secretary" means the Secretary of the Treasury.

(As amended Mar. 18, 1977, Pub. L. 95–12, § 1, 91 Stat. 22.)

[1] So in original. Probably should read "fined".

AMENDMENTS

1977—Subsec. (a). Pub. L. 95–12, § 1(1), added provisions permitting enforcement of any Executive order, issued under this subsection, applying measures against Southern Rhodesia and permitting Presidential exemption from that Executive order of any shipment of chromium in transit to the United States on Mar. 18, 1977.

Subsec. (c). Pub. L. 95–12, § 1(2), added subsec. (c).

IMPORTATION OF STRATEGIC AND CRITICAL MATERIALS FROM ZIMBABWE-RHODESIA

Pub. L. 96–107, title VIII, § 818, Nov. 9, 1979, 93 Stat. 818, provided that: "It is the sense of the Congress that the United States should have unlimited access to strategic and critical materials which are vital to the defense and security of the United States and that every effort should be made to remove artificial impediments against the importation of such materials into the United States from Zimbabwe-Rhodesia."

SANCTIONS AGAINST ZIMBABWE-RHODESIA; REPORT TO CONGRESS

Pub. L. 96–60, title IV, § 408, Aug. 15, 1979, 93 Stat. 405, provided that:

"(a) The Congress finds that—

"(1) It is in the interest of the United States to encourage the development of a multiracial democracy in Zimbabwe-Rhodesia based on both majority rule and minority rights;

"(2) the elections held in April 1979, in which Zimbabwe-Rhodesians approved through elections the transfer of power to a black majority government, constituted a significant step toward multiracial democracy in Zimbabwe-Rhodesia;

"(3) the Government of Zimbabwe-Rhodesia has expressed its willingness to negotiate in good faith at an all-parties conference, held under international auspices, on all relevant issues;

"(4) it is in the foreign policy interest of the United States to further continuing progress toward genuine majority rule in Zimbabwe-Rhodesia and to encourage a peaceful resolution of the conflict; and

"(5) the Government of Great Britain, which retains responsibility for Zimbabwe-Rhodesia under international law, has not yet taken steps to recognize the legality of the new government.

"(b) In view of these considerations, the President shall—

"(1) continue United States efforts to promote a speedy end to the Rhodesian conflict; and

"(2) terminate sanctions against Zimbabwe-Rhodesia by November 15, 1979, unless the President determines it would not be in our national interest to do so and so reports to the Congress.

If the President so reports to the Congress, then sanctions shall be terminated if the Congress, within 30 calendar days after receiving the report under paragraph (2), adopts a concurrent resolution stating in substance that it rejects the determination of the President. A concurrent resolution under the preceding sentence shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 [Pub. L. 94–329, title VI, § 601(b), June 30, 1976, 90 Stat. 765] and in the House of Representatives in accordance with the procedures applicable to the consideration of resolutions of disapproval under section 36(b) of the Arms Export Control Act [section 2776(b) of this title]."

DETERMINATIONS RESPECTING FUTURE ENFORCEMENT OF SANCTIONS AGAINST RHODESIA

Pub. L. 95-384, § 27, Sept. 26, 1978, 92 Stat. 746, provided that:

"In furtherance of the foreign policy interests of the United States, the Government of the United States shall not enforce sanctions against Rhodesia after December 31, 1978, provided that the President determines that—

"(1) the Government of Rhodesia has demonstrated its willingness to negotiate in good faith at an all-parties conference, held under international auspices, on all relevant issues; and

"(2) a government has been installed, chosen by free elections in which all political and population groups have been allowed to participate freely, with observation by impartial, internationally-recognized observers."

SUSPENSION OF AMENDMENT OPERATION BY PRESIDENT; REPORT TO CONGRESS

Section 2 of Pub. L. 95-12 provided that:

"(a) Upon the enactment of this Act [Mar. 18, 1977], the President may suspend the operation of the amendments contained in this Act [amending this section] if he determines that such suspension would encourage meaningful negotiations and further the peaceful transfer of governing power from minority rule to majority rule in Southern Rhodesia. Such suspension shall remain in effect for such duration as deemed necessary by the President.

"(b) If the President suspends the operation of the amendments contained in this Act [amending this section], he shall so report to the Congress. In addition, the President shall report to the Congress when he terminates such suspension.

"(c) If the President suspends the operation of the amendments contained in this Act [amending this section], any reference in those amendments to date of enactment [Mar. 18, 1977] shall be deemed to be a reference to the date on which such suspension is terminated by the President."

EXECUTIVE ORDER NO. 11322

Ex. Ord. No. 11322, Jan. 5, 1967, 32 F.R. 119, formerly set out as a note under this section, which related to transactions involving Southern Rhodesia, was revoked by Ex. Ord. No. 12183, Dec. 16, 1979, 44 F.R. 74787, set out as a note below.

EXECUTIVE ORDER NO. 11419

Ex. Ord. No. 11419, July 29, 1968, 33 F.R. 10837, as amended, formerly set out as a note under this section, which related to trade and other transactions involving Southern Rhodesia, was revoked by Ex. Ord. No. 12183, Dec. 16, 1979, 44 F.R. 74787, set out as a note below.

EX. ORD. NO. 12183. REVOKING RHODESIAN SANCTIONS

Ex. Ord. No. 12183, Dec. 16, 1979, 44 F.R. 74787, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and in order to terminate current limitations relating to trade and other transactions involving Zimbabwe-Rhodesia, it is hereby ordered as follows:

1-101. (a) Subject to the provisions of this order, the following are hereby revoked with respect to transactions occurring after the effective date of this order:

(1) Executive Order 11322 of January 5, 1967 (32 F.R. 119);

(2) Executive Order 11419 of July 29, 1968 (33 F.R. 10837); and

(3) Executive Order 11978 of March 18, 1977 (42 F.R. 15403).

(b) To the extent consistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, licenses, contracts, agreements, and other actions made, issued, taken, or entered into under the provisions of such Executive orders and not previously revoked, superseded, or otherwise made inapplicable, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1-102. (a) The Secretaries of State, the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall retain the authority and responsibility for the enforcement of Executive Orders 11322, 11419, and 11978 with respect to transactions occurring prior to the effective date of this order.

(b) The revocation, in Section 1-101 of this order, of such prior Executive orders shall not affect:

(1) any act done or omitted to be done or any suit or proceeding finished or started in civil or criminal cases prior to the revocation, but all such liabilities, penalties, and forfeitures under the Executive orders shall continue and may be enforced in the same manner as if the revocation had not been made; or

(2) any violation of any rules, regulations, orders, licenses, or other forms of administrative action under those revoked orders during the periods those orders were in effect.

1-103. (a) The Secretaries of State, the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall take the appropriate measures to implement this order.

(b) In carrying out their respective functions and responsibilities under this order, the Secretaries of the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall, as appropriate, consult with the Secretary of State. Each such Secretary and agency head and the Secretary of State shall also consult with other government agencies and private persons, as appropriate.

JIMMY CARTER.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 sections 3409, 3413.

§ 287d-1. Noncombatant assistance to United Nations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 287d, 2348 of this title.

§ 287e. Authorization of appropriations; payment of expenses

ANNUAL APPROPRIATIONS

An annual appropriation was contained in the following appropriation acts:

Sept. 24, 1979, Pub. L. 96-68, title I, § 100, 93 Stat. 417.

Oct. 10, 1978, Pub. L. 95-431, title I, § 101, 92 Stat. 1022.

Aug. 2, 1977, Pub. L. 95-86, title I, § 101, 91 Stat. 420.

SUBCHAPTER XVII—UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

§ 287r. Authorization of appropriations; payment of expenses

ANNUAL APPROPRIATIONS

An annual appropriation was contained in the following appropriation acts:

Sept. 24, 1979, Pub. L. 96-68, title I, § 100, 93 Stat. 417.

Oct. 10, 1978, Pub. L. 95-431, title I, § 101, 92 Stat. 1022.

Aug. 2, 1977, Pub. L. 95-86, title I, § 101, 91 Stat. 420.

SUBCHAPTER XVIII—PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANIZATIONS

§ 288. Definition of "international organization"; authority of President

EXECUTIVE ORDER No. 10866

Ex. Ord. No. 10866, Feb. 20, 1960, 25 F.R. 1584, set out in a note under this section in the main edition which related to the designation of the Southeast Asia Treaty Organization as an international organization afforded certain privileges and immunities, was revoked by Ex. Ord. No. 12033, Jan. 10, 1978, 43 F.R. 1915.

EXECUTIVE ORDER No. 10943

Ex. Ord. No. 10943, May 19, 1961, 26 F.R. 4419, set out in a note under this section in the main edition which related to the designation of the Coffee Study Group as an international organization afforded certain privileges and immunities, was revoked by Ex. Ord. No. 12033, Jan. 10, 1978, 43 F.R. 1915.

§ 288f-2. Organization of African Unity; extension of privileges, exemptions, and immunities

The provisions of this subchapter, may be extended to the Organization of African Unity and may continue to be extended to the International Labor Organization in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(As amended Aug. 15, 1979, Pub. L. 96-60, title IV, § 404, 93 Stat. 403.)

AMENDMENTS

1979—Pub. L. 96-60 authorized continuation of extension of privileges and immunities provisions to International Labor Organization.

SUBCHAPTER XX—WORLD HEALTH ORGANIZATION

§ 290a. Designation of representatives and alternates: compensation; loyalty checkup

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 290b. Authorization of appropriations; payment of salaries and expenses

ANNUAL APPROPRIATIONS

An annual appropriation to meet the obligations of membership in the World Health Organization was contained in the following appropriation acts:

Pub. L. 96-68, title I, § 100, Sept. 24, 1979, 93 Stat. 417.

Pub. L. 95-431, title I, § 101, Oct. 10, 1978, 92 Stat. 1022.

Pub. L. 95-86, title I, § 101, Aug. 2, 1977, 91 Stat. 420.

SUBCHAPTER XXI—INTER-AMERICAN FOUNDATION

§ 290f. Inter-American Foundation

[*See main edition for text of* (a) *to* (r)]

(s) Authorization of appropriation

(1) Notwithstanding any other provision of law, not to exceed an aggregate amount of $50,000,000 of the funds made available for the fiscal years 1970 and 1971 to carry out part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] shall be available to carry out the purposes of this section. Funds made available to carry out the purposes of this section under the preceding sentence are authorized to remain available until expended.

(2) There is authorized to be appropriated not to exceed $25,000,000 for each of the fiscal years 1979 and 1980 to carry out the purposes of this section. Amounts appropriated under this paragraph are authorized to remain available until expended.

[*See main edition for text of* (t)]

(As amended Pub. L. 95-105, title V, § 508, Aug. 17, 1977, 91 Stat. 859.)

AMENDMENTS

1977—Subsec. (s). Pub. L. 95-105 designated existing provisions as par. (1) and added par. (2).

SUBCHAPTER XXII—AFRICAN DEVELOPMENT FUND

§ 290g. African Development Fund; United States participation

CROSS REFERENCES

Advancement of human rights through United States assistance policies with international financial institutions, see section 262d of this title.

§ 290g-9. Repealed. Pub. L. 95-118, title VII, § 702, Oct. 3, 1977, 91 Stat. 1070

Section, Pub. L. 94-302, title II, § 211, May 31, 1976, 90 Stat. 595; H. Res. 5, Jan. 4, 1977, set forth provisions relating to United States participation in financial assistance by the African Development Fund to any country engaging in a consistent pattern of gross violations of internationally recognized human rights. See section 262d of this title.

EFFECTIVE DATE OF REPEAL

Section repealed effective on Oct. 3, 1977, see section 1001 of Pub. L. 95-118, set out as an Effective Date note under section 282i of this title.

§ 290g-10. Additional authorization for payment of United States contribution; review of payment and voting structure with other donor nations; authorization of appropriations

(a) The United States Governor is authorized to contribute on behalf of the United States $50,000,000 to the African Development Fund, which would represent an additional United States contribution to the first replenishment. The Secretary of the Treasury is directed to begin discussions with other donor nations to the African Development Fund for the purpose of setting amounts and of reviewing and possibly changing the voting structure within the

Fund: *Provided, however,* That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution to the African Development Fund provided for in this section there are authorized to be appropriated without fiscal year limitation $50,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 94-302, title II, § 212, as added Pub. L. 95-118, title VI, § 601, Oct. 3, 1977, 91 Stat. 1069.)

EFFECTIVE DATE

Section effective on Oct. 3, 1977, except that no funds authorized to be appropriated by this section may be available for use or obligation prior to Oct. 1, 1977, see section 1001 of Pub. L. 95-118, set out as an Effective Date note under section 2821 of this title.

CHAPTER 8—FOREIGN SERVICE BUILDINGS

Sec.

292a. Demonstration of solar and other renewable energy technologies in foreign countries [New].
(a) Use of renewable energy systems in United States buildings in foreign countries.
(b) Implementation of renewable energy projects by Secretary.
(c) Planning for use of renewable energy systems in construction of new buildings.
(d) Availability of sums previously authorized to be appropriated.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 816, 1139 of this title; title 7 section 1765d; title 40 sections 474, 511.

§ 292. Acquisition of sites and buildings for diplomatic and consular establishments; allotment of space; credit of payments from other than appropriated funds for acquisition of property without regard to limitations of amounts

(a) The Secretary of State is empowered to acquire by purchase or construction in the manner hereinafter provided, within the limits of appropriations made to carry out this chapter, by exchange, in whole or in part, of any building or grounds of the United States in foreign countries and under the jurisdiction and control of the Secretary of State, sites and buildings in foreign capitals and in other foreign cities, and to alter, repair, and furnish such buildings for the use of the diplomatic and consular establishments of the United States, or for the purpose of consolidating within one or more buildings, the embassies, legation, consulates, and other agencies of the United States Government there maintained. The space in such buildings shall be allotted by the Secretary of State among the several agencies of the United States Government.

(b) Payments made for rent or otherwise by the United States from funds other than appropriations made to carry out this chapter may be credited toward the acquisition of property under this chapter without regard to limitations of amounts imposed by this chapter.

(As amended Aug. 17, 1977, Pub. L. 95-105, title I, § 106(a), 91 Stat. 845.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-105, § 106(a)(1), substituted "to carry out" for "pursuant to".

Subsec. (b). Pub. L. 95-105, § 106(a)(2), substituted "to carry out" for "under authority of".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 292a of this title.

§ 292a. Demonstration of solar and other renewable energy technologies in foreign countries

(a) Use of renewable energy systems in United States buildings in foreign countries

It is the purpose of this section to provide for the demonstration of solar energy and other renewable energy technologies in foreign countries through the use of such energy in buildings acquired under subsection (a) of section 292 of this title, in order that—

(1) countries in which such buildings are located may be given visible incentives to develop and use local solar energy or other renewable energy resources to reduce dependence upon petroleum and petroleum products;

(2) markets may be developed for American solar energy systems and components in order to stimulate investment in such systems and components and to reduce the costs of such systems and components to reasonable levels;

(3) in furtherance of the purpose of section 2151q of this title, cooperation may be developed between the United States and other countries in an effort to develop solar energy or other renewable energy systems within a short period of time; and

(4) equipment which is vital to the operation of sensitive systems within United States missions abroad may be made more reliable and less dependent upon interruptible local energy supplies.

(b) Implementation of renewable energy projects by Secretary

(1) The Secretary of State shall implement projects for the application of solar energy or other forms of renewable energy in buildings acquired under subsection (a) section 292 of this title.

(2) The Secretary of State shall select projects under paragraph (1) in consultation with the Secretary of Energy. Such projects shall apply available solar energy and other renewable energy technologies, including those for—

(A) the heating and cooling of buildings;

(B) solar thermal electric systems;

(C) solar photovoltaic conversion systems;

(D) wind energy systems; and

(E) systems for developing fuels from biomass.

The Secretary of Energy shall inform the Secretary of State of all such technologies which are feasible for such projects, taking into account the resources and environmental conditions of the countries in which such projects are to be implemented. Upon the request of the Secretary of State, the Secretary of Energy shall provide to the Secretary of State any

technical information or other technical assistance which the Secretary of State considers necessary with respect to any such project. Any project selected under this section should be similar to projects which have been demonstrated by the Department of Energy (or any of its predecessor agencies) to be reliable, maintainable, and technically feasible.

(3) Any project selected under this section shall be adaptable to the local resources, climatic conditions, and economic circumstances of the country in which such project is implemented in order that such country will be more likely to implement similar projects.

(4) The Secretary of State shall insure that any project selected under this section is demonstrated to, and available for inspection by, officials and other citizens of the country in which such project is implemented.

(5) In selecting projects under this section, the Secretary of State shall give priority to projects to be implemented in developing countries.

(c) Planning for use of renewable energy systems in construction of new buildings

Whenever any building is constructed under the authority contained in section 292 of this title, the Secretary of State shall insure that the planning for such construction takes into account those renewable energy systems which are available in the country in which the building is to be constructed.

(d) Availability of sums previously authorized to be appropriated

In addition to amounts otherwise available for such purposes, $4,000,000 of the amount authorized to be appropriated by section 101(a)(1) of this Act shall be available only to carry out the purposes of this section.

(Pub. L. 95-426, title I, § 105, Oct. 7, 1978, 92 Stat. 965.)

REFERENCES IN TEXT

Section 101(a)(1) of this Act, referred to in subsec. (d), means section 101(a)(1) of Pub.L. 95-426, which was not classified to the Code.

CODIFICATION

Section was not enacted as part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

§ 295. Authorization of appropriations; Foreign Service Building Fund; expenditures; foreign currencies

[See main edition for text of (a) to (g)]

(h) In addition to amounts authorized before November 29, 1975, there is authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Europe, not to exceed $225,000 for fiscal year 1977;

(B) for use in the Near East and South Asia, not to exceed $12,885,000, of which not to exceed $3,985,000 may be appropriated for fiscal year 1976;

(C) for facilities for the United States Information Agency, not to exceed $3,400,000, of which not to exceed $2,800,000 may be appropriated for fiscal year 1976;

(D) for facilities for agricultural and defense attaché housing, not to exceed $150,000 for fiscal year 1977; and

(E) for facilities for the United States Agency for International Development, not to exceed $17,200,000 for fiscal year 1977; and

(F), (G) Repealed. Pub. L. 95-45, § 3, June 15, 1977, 91 Stat. 221.

[See main edition for text of (2); (i) and (j)]

(As amended June 15, 1977, Pub. L. 95-45, § 3, 91 Stat. 221.)

AMENDMENTS

1977—Subsec. (h)(1). Pub. L. 95-45 substituted "$225,000" for "$6,725,000" in the subpar. covering Europe for fiscal year 1977, substituted "$12,885,000" for "$8,005,000" in the subpar. covering the Near East and South Asia for fiscal year 1976, substituted "$3,400,000" for "$3,745,000" in the subpar. covering facilities for the United States Information Agency for fiscal year 1976, substituted "$150,000" for "$420,000" in the subpar. covering facilities for agricultural and defense attaché housing for fiscal year 1977, added subpar. authorizing an appropriation of not to exceed $17,200,000 for facilities for the United States Agency for International Development for fiscal year 1977, and struck out subpars. which had authorized appropriations for Africa, the American Republics, and East Asia for fiscal year 1977.

TRANSFER OF FUNCTIONS

All functions vested in the Secretary of State under subsecs. (d)(1)(F), (f)(1)(F), (g)(1)(F), and (h)(1)(F) of this section were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(18), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President. Subsec. (h)(1)(F) of this section has been repealed by Pub. L. 95-45, and similar provisions are now contained in subsec. (h)(1)(C) of this section. The United States Information Agency, referred to in subsecs. (d)(1)(F), (f)(1)(F), (g)(1)(F), and (h)(1)(C), was abolished by section 9(a)(1) of Reorg. Plan No. 2 of 1977.

§ 297. Acquisition of property by lease

The authority granted to acquire sites and buildings by purchase or otherwise shall include authority to acquire leaseholds.

(As amended Aug. 17, 1977, Pub. L. 95-105, title I, § 106(b), 91 Stat. 845.)

AMENDMENTS

1977—Pub. L. 95-105 struck out "of not less than ten years" following "acquire leaseholds".

CHAPTER 9—FOREIGN WARS, WAR MATERIALS, AND NEUTRALITY

SUBCHAPTER I—WAR MATERIALS

§ 401. Illegal exportation of war materials

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 408, 408a of this title; title 50 App. section 2410.

SUBCHAPTER II—NEUTRALITY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 613, 2393 of this title; title 46 section 1242a.

CHAPTER 11—FOREIGN AGENTS AND PROPAGANDA

SUBCHAPTER II—REGISTRATION OF FOREIGN PROPAGANDISTS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 8 section 1251; title 18 section 219; title 50 App. 34.

§ 611. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 618 of this title; title 2 section 441e; title 8 section 1251.

§ 618. Enforcement and penalties

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 8 section 1251.

CHAPTER 14—FOREIGN SERVICE

SUBCHAPTER IV—PERSONNEL CATEGORIES AND SALARIES

PART F—ADDITIONAL COMPENSATION [NEW]

Sec.
896. Special allowances to Foreign Service Officers.

SUBCHAPTER VI—PERSONNEL ADMINISTRATION

PART D—SEPARATION OF OFFICERS AND EMPLOYEES FROM THE SERVICE

1009. Professional career counseling, advice, and placement assistance [New].

SUBCHAPTER VII—THE FOREIGN SERVICE INSTITUTE

1048. Orientation and language training for family members of Government personnel [New].

SUBCHAPTER IX—ALLOWANCES AND BENEFITS

PART E—MEDICAL SERVICES

1160. Medical treatment and health care facilities [New].

FOREIGN COMMERCIAL SERVICE; AUTHORITY OF SECRETARY OF COMMERCE UNDER FOREIGN SERVICE ACT

For provisions relating to the authorization of the Secretary of Commerce to establish a Foreign Commercial Service in the Department of Commerce and to the availability to the Secretary of Commerce of all authority available to the Secretary of State under the Foreign Service Act of 1946, as amended (this chapter) with certain exclusions, as well as to the applicability of all provisions of the Foreign Service Act of 1946, as amended, to Foreign Commercial officers, Foreign Service officers, Foreign Service Reserve officers, Foreign staff officers and employees, or alien clerks and employees of the Department of Commerce, see section 1-104 of Ex. Ord. No. 12188, Jan. 2, 1980, 45 F.R. 991, set out as a note under section 2171 of Title 19, Customs Duties.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 285a, 290g-1, 1223, 1230, 1232, 1928, 2024, 2385, 2454, 2504, 2506, 2514, 2582, 2588, 2605, 2684, 3503 of this title; title 5 sections 5102, 5304, 5724, 8501; title 26 section 2055; title 42 section 5055.

SUBCHAPTER I—GENERAL PROVISIONS

§ 801. Congressional declaration of objectives

EX. ORD. NO. 11636. EMPLOYEE MANAGEMENT RELATIONS IN THE FOREIGN SERVICE

Ex. Ord. No. 11636, Dec. 17, 1971, 36 F.R. 24901, as amended by Ex. Ord. No. 12027, Dec. 5, 1977, 42 F.R. 61851; Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055; Ex. Ord. No. 12128, Apr. 4, 1979, 44 F.R. 20625, provided:

[See main edition for text of first six pars. and Sec. 1]

SEC. 2. *Definitions.* When used in this Order, the term—

(a) "Foreign affairs agency" means the Department of State, the International Communication Agency, the Agency for International Development, and their successor agencies;

[See main edition for text of (b) to (j); Sec. 3]

ADMINISTRATION

[See main edition for text of Sec. 4]

SEC. 5. *Employee-Management Relations Commission.*

(a) There is hereby established, as a Committee of the Board, an Employee-Management Relations Commission composed of three senior level representatives, one designated by each of the following: the Secretary of Labor, the Director of the Office of Management and Budget, and the Federal Labor Relations Authority. The representative designated by the Federal Labor Relations Authority shall be the Chairman of the Commission.

[See main edition for text of (b) to (d); Secs. 6 to 14]

SEC. 15. *Allotment of Dues.* When a foreign affairs agency and the organization agree in writing, a foreign affairs agency may deduct the regular and periodic dues of an organization recognized under this Order from the pay of members of the organization who make a voluntary allotment for that purpose. Such an allotment is subject to the regulations of the Office of Personnel Management, which shall include provision for the employee to revoke his authorization at stated six-month intervals. Such an allotment terminates when the dues withholding agreement between a foreign affairs agency and the organization is terminated or ceases to be applicable to the employee.

[See main edition for text of Secs. 16 and 17]

SEC. 18. *Amendments to Executive Orders.* (a) Section 3(b) of Executive Order No. 11491 of October 29, 1969 (34 F.R. 17605), as amended [set out as a note under section 7101 of Title 5, Government Organization and Employees], is hereby further amended by adding a new item (5) as follows:

"(5) The Foreign Service of the United States: Department of State, United States Information Agency and Agency for International Development and its successor agency or agencies."

[See main edition for text of (b); Sec. 19]

§ 802. Definitions

When used in this chapter, the term—

[See main edition for text of (1) to (8)]

(9) "Chief of mission" means a principal officer appointed by the President, by and with the advice and consent of the Senate, to be in charge of an embassy or legation or other dip-

lomatic mission of the United States, or any person assigned under the terms of this chapter to be minister resident, chargé d'affaires, commissioner, diplomatic agent, or the head of a United States office abroad which is designated by the Secretary as having a purpose diplomatic in nature.

(As amended Oct. 7, 1978, Pub. L. 95-426, title I, § 116, 92 Stat. 969.)

AMENDMENTS

1978—Par. (9). Pub. L. 95-426 substituted "diplomatic agent, or the head of a United States office abroad which is designated by the Secretary as having a purpose diplomatic in nature" for "diplomatic agent".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2680a of this title.

§ 811a. Administration of Foreign Service; delegation of authority

REVIEW OF FOREIGN SERVICE PERSONNEL REQUIREMENTS AND COMPENSATION

Pub. L. 95-426, title IV, § 413, Oct. 7, 1978, 92 Stat. 981, provided that:

"(a) The Congress finds that—

"(1) since 1960, the United States has expanded its diplomatic representation abroad from approximately eighty countries to approximately one hundred and thirty countries;

"(2) despite such expanded responsibilities, and despite a significantly increased consular workload in all countries in which the United States is represented, the total number of personnel of the Department of State has remained approximately the same; and

"(3) although the responsibilities and necessary qualifications for individual Foreign Service positions continue to change, compensation for Foreign Service personnel continues to be linked to compensation for General Schedule employees at a level established years ago.

"(b) It is therefore the sense of the Congress that the Secretary of State should conduct a thorough review of the personnel needs of the Foreign Service and of the suitability of the current compensation system.

"(c) Not later than January 20, 1979, the Secretary of State shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report setting forth fully and completely—

"(1) the results of such review; and

"(2) such recommendations as the Secretary finds appropriate."

EX. ORD. NO. 11434. ADMINISTRATION OF FOREIGN SERVICE PERSONNEL SYSTEMS

Ex. Ord. No. 11434, Nov. 8, 1968, 33 F.R. 16485, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

[*See main edition for text of first par.*]

SECTION 1. *Policies and Regulations.* The Secretary of State with respect to the Foreign Service personnel and retirement systems and the Director of the United States Information Agency with respect to the Foreign Service personnel system of the United States Information Agency shall promulgate policies and related regulations governing such systems after consultation with the Director of the Bureau of the Budget and the Director, Office of Personnel Management.

[*See main edition for text of Secs. 2 to 5*]

§ 817. Malpractice protection

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2504 of this title.

SUBCHAPTER II—GOVERNING BODIES OF THE SERVICES

PART A—OFFICERS

§ 826. Board of the Foreign Service; composition; duties

EXERCISE OF CERTAIN FUNCTIONS BY BOARD OF THE FOREIGN SERVICE AND BOARD OF EXAMINERS FOR THE FOREIGN SERVICE

The Board of the Foreign Service and the Board of Examiners for the Foreign Service were authorized to exercise with respect to Foreign Service personnel of the Department of Commerce, functions delegated to them by Ex. Ord. No. 11264, set out as a note below, respecting Foreign Service personnel of the Department of State, see section 1-104(c) of Ex. Ord. No. 12188, Jan. 2, 1980, 45 F.R. 991, set out as a note under section 2171 of Title 19, Customs Duties.

EX. ORD. NO. 11264. BOARD OF THE FOREIGN SERVICE AND BOARD OF EXAMINERS FOR THE FOREIGN SERVICE

Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67 as amended by Ex. Ord. No. 11434, Nov. 8, 1968, 33 F.R. 16485; Ex. Ord. No. 11636, Dec. 17, 1971, 36 F.R. 24901; Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

[*See main edition for text of first par.; Part I*]

PART II—BOARD OF THE FOREIGN SERVICE

SEC. 21. *Establishment of Board.* (a) There is hereby established in the Department of State the Board of the Foreign Service, hereafter in this Part referred to as the Board.

(b) The Board shall be composed of:

[*See main edition for text of (1) to (3)*]

(4) The Director, Office of Personnel Management.

[*See main edition for text of (c) to (f); Sec. 22; Parts III and IV*]

SUBCHAPTER IV—PERSONNEL CATEGORIES AND SALARIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 5 sections 5301, 5948.

PART A—CATEGORIES OF PERSONNEL

§ 861. Division of personnel

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5541.

PART B—SALARIES

§ 867. Officers

There shall be ten classes of Foreign Service officers, including the classes of career ambassador and of career minister. The per annum salary of a career ambassador shall be at the rate provided by law for level IV of the Federal Executive Salary Schedule. The per annum salary of a career minister shall be at the rate provided by law for level V of such schedule. The per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

	1	2	3	4	5	6	7
FSO-01	*$61,903	*$63,966	*$65,750				
FSO-02	47,540	49,125	50,710	$52,295	*$53,880	*$55,465	*$57,050
FSO-03	37,067	38,303	39,539	40,775	42,011	43,247	44,433
FSO-04	29,375	30,354	31,333	32,312	33,291	34,270	35,249
FSO-05	23,687	24,477	25,267	26,057	26,847	27,637	28,427
FSO-06	19,451	20,099	20,747	21,395	22,043	22,691	23,339
FSO-07	16,288	16,831	17,374	17,917	18,460	19,003	19,546
FSO-08	13,925	14,389	14,853	15,317	15,781	16,245	16,709

* Basic pay is limited by Section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule which is $53,600.

Note 1. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

Note 2. On October 1, 1979, the limitation in Schedule 2 of Executive Order No. 12087, October 7, 1978, changed and for the period October 1, 1979 to the start of the first applicable pay period in fiscal 1980 the following rates of pay were payable:

FSO-01, Steps 1 through 3	$50,100
FSO-02, Step 4	48,873
FSO-02, Steps 5 through 7	50,100

(As amended Ex. Ord. No. 12010, Sept. 28, 1977, 42 F.R. 52365; Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823; Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671.)

AMENDMENTS

1979—The compensation in each step of each Service Officer class was increased effective Oct. 1, 1979, by Ex. Ord. No. 12165.

1978—The compensation in each step of each Service Officer class was increased effective Oct. 1, 1978, by Ex. Ord. No. 12087.

1977—The compensation in each step of each Service Officer class was increased effective Oct. 1, 1977 by Ex. Ord. No. 12010.

INCREASE IN RATE OF PER ANNUM SALARY OF FOREIGN SERVICE OFFICERS

Pub. L. 95-105, title IV, § 412(b), Aug. 17, 1977, 91 Stat. 856, increasing the amount of each rate of per annum salary in classes 5 through 8 of Foreign Service Officers, in the table contained in this section, by $250, was repealed by Pub. L. 95-426, title IV, § 410, Oct. 7, 1978, 92 Stat. 980.

EXECUTIVE ORDER NO. 12010

Ex. Ord. No. 12010, Sept. 28, 1977, 42 F.R. 52365, formerly set out in part under this section, which provided for the adjustment of pay rates effective Oct. 1, 1977, was superseded by Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 12087

Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823, formerly set out in part under this section, which provided for the adjustment of pay rates effective Oct. 1, 1978, was superseded by Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671, set out as a note under section 5332 of Title 5, Government Organization and Employees.

§ 870. Staff officers and employees; employees recruited abroad performing duties of routine nature

(a) There shall be ten classes of Foreign Service staff officers and employees, referred to hereafter as staff officers and employees. The per annum salaries of such staff officers and employees within each class shall be as follows:

	1	2	3	4	5	6	7	8	9	10
FSS-01	$37,067	$38,303	$39,539	$40,775	$42,011	$43,247	$44,483	$45,719	$46,955	$48,191
FSS-02	29,375	30,354	31,333	32,312	33,291	34,270	35,249	36,228	37,207	38,186
FSS-03	23,687	24,477	25,267	26,057	26,847	27,637	28,427	29,217	30,007	30,797
FSS-04	19,451	20,099	20,747	21,395	22,043	22,691	23,339	23,987	24,635	25,283
FSS-05	17,403	17,983	18,563	19,143	19,723	20,303	20,883	21,463	22,043	22,623
FSS-06	15,580	16,099	16,618	17,137	17,656	18,175	18,694	19,213	19,732	20,251
FSS-07	13,954	14,419	14,884	15,349	15,814	16,279	16,744	17,209	17,674	18,139
FSS-08	12,503	12,920	13,337	13,754	14,171	14,588	15,005	15,422	15,839	16,256
FSS-09	11,206	11,580	11,954	12,328	12,702	13,076	13,450	13,824	14,198	14,572
FSS-10	10,049	10,384	10,719	11,054	11,389	11,724	12,059	12,394	12,729	13,064

[*See main edition for text of* (b)]

(As amended Ex. Ord. No. 12010, Sept. 28, 1977, 42 F.R. 52365; Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823; Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671.)

AMENDMENTS

1979—The compensation in each step of each Service Officer class was increased effective Oct. 1, 1979, by Ex. Ord. No. 12165.

1978—The compensation in each step of each Service Officer class was increased effective Oct. 1, 1978, by Ex. Ord. No. 12087.

1977—The compensation in each step of each Service Officer class was increased effective Oct. 1, 1977, by Ex. Ord. No. 12010.

EXECUTIVE ORDER NO. 12010

Ex. Ord. No. 12010, Sept. 28, 1977, 42 F.R. 52365, formerly set out in part under this section, which provided for the adjustment of pay rates effective Oct. 1, 1977, was superseded by Ex. Ord. No. 12087, Oct. 7,

1978, 43 F.R. 46823, set out as a note under section 5332 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 12087

Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823, formerly set out in part under this section, which provided for the adjustment of pay rates effective Oct. 1, 1978, was superseded by Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671, set out as a note under section 5332 of Title 5, Government Organization and Employees.

PART D—TIME OF RECEIVING SALARY

§ 881. Chiefs of missions

[See main edition for text of (a) and (b)]

(c) Salary

During the service of a Foreign Service officer or Reserve officer as chief of mission he shall receive, in addition to his salary as Foreign Service officer or Reserve officer, compensation equal to the difference, if any, between such salary and the salary of the position to which he is appointed or assigned.

(As amended Aug. 17, 1977, Pub. L. 95-105, title IV, § 401, 91 Stat. 852.)

AMENDMENTS

1977—Subsec. (c). Pub. L. 95-105 inserted "or Reserve officer" following "Foreign Service officer" in two places.

PART E—CLASSIFICATION OF POSITIONS

§ 889. Compensation plans and annuity increases for alien employees and family members of Government personnel abroad

(a) Establishment

(1) The Secretary shall, in accordance with such regulations as he may prescribe, establish compensation plans for alien employees of the Service and for United States citizens employed by the Department abroad who are family members of Government personnel serving in the same country. Such compensation plans shall be based upon prevailing wages rates and compensation practices for corresponding types of positions in the locality, to the extent consistent with the public interest. Compensation plans established pursuant to this section may include provision for leave of absence with pay for alien employees in accordance with prevailing law and employment practices in the locality of employment, without regard to section 6310 of title 5.

[See main edition for text of (2)]

(b) Administration of similar programs by other Government agencies

For the purpose of performing functions abroad, other Government agencies and any other establishments of the Government, including those in the legislative and judicial branches, are authorized to administer employment programs for aliens, and for family members of Government personnel serving abroad, in accordance with the applicable provisions of this chapter and such regulations as the Secretary may prescribe.

(c) Compensation for alien employees imprisoned by foreign government

(1) The head of any agency of the United States, including any agency of the legislative or judicial branch of the United States, may compensate any current or former alien employee, including an alien employee who worked under a personal services contract, who is or has been imprisoned by a foreign government if the Secretary of State (or, in the case of an alien employee of the Central Intelligence Agency, the Director of Central Intelligence) determines that such imprisonment is the result of the alien's employment by the United States. Such compensation may not exceed an amount that such agency head determines approximates the salary and other benefits to which such employee or former employee would have been entitled had he or she remained employed during the period of such imprisonment, and may be paid under such terms and conditions as the Secretary of State deems appropriate. For purposes of making payments authorized by this subsection, the head of any such agency shall have the same powers with respect to imprisoned alien employees and such former employees as any head of an agency under the provisions of subchapter VII of chapter 55 of title 5 to the extent that such powers are consistent with this paragraph. Any period of imprisonment of an alien which is compensable under this subsection shall be considered for purposes of any other employee benefit to be a period of employment by the United States Government, except that a period of imprisonment shall not be creditable—

(A) for purposes of subchapter III of chapter 83 of title 5 unless the individual either—

(i) was subject to section 8334(a) of such title during the period of his or her Government employment last preceding the imprisonment; or

(ii) qualifies for annuity benefits under such subchapter III by reason of other service; or

(B) for purposes of subchapter I of chapter 81 of title 5 unless the individual was employed by the United States Government at the time of his or her imprisonment.

(2) No compensation or other benefit shall be awarded under paragraph (1) unless a claim therefor is filed within three years after—

(A) August 17, 1977;

(B) the termination of the period of imprisonment giving rise to the claim; or

(C) the date of the claimant's first opportunity to file such a claim, as determined by the appropriate agency head;

whichever is later.

(3) The Secretary of State may prescribe regulations governing payments under this subsection for the guidance of all agencies.

(d) Regulations authorizing employment abroad and compensation of family members of Government personnel

The Secretary of State shall prescribe regulations authorizing the employment abroad, and providing for the compensation, of family members of Government personnel.

(As amended Aug. 17, 1977, Pub. L. 95-105, title IV, § 402(a), (b)(1), 91 Stat. 852; Oct. 7, 1978, Pub. L. 95-426, title IV, §§ 401(b)(2)-(4), 412(a), 92 Stat. 977, 981; Aug. 15, 1979, Pub. L. 96-60, title I, § 107(b), 93 Stat. 397.)

AMENDMENTS

1979—Subsec. (b). Pub. L. 96-60 provided for administration of employment programs in accordance with such regulations as the Secretary may prescribe.

1978—Subsec. (a)(1). Pub. L. 95-426, § 401(b)(2), added "and for United States citizens employed by the Department abroad who are family members of Government personnel serving in the same country", struck out "Provided, That" preceding "Such compensation plans", and added provision relating to leaves of absence with pay for alien employees.

Subsec. (b). Pub. L. 95-426, § 401(b)(3), substituted "employment programs for aliens, and for family members of Government personnel serving abroad" for "alien employee programs".

Subsec. (c)(1)(B). Pub. L. 95-426, § 412(a), substituted "chapter 81" for "chapter 8", correcting a printing error which had previously been editorially corrected.

Subsec. (d). Pub. L. 95-426, § 401(b)(4), added subsec. (d).

1977—Subsec. (b). Pub. L. 95-105, § 402(a), inserted "and any other establishments of the Government, including those in the legislative and judicial branches," following "Government agencies".

Subsec. (c). Pub. L. 95-105, § 402(b)(1), added subsec. (c).

EFFECTIVE DATE OF 1978 AMENDMENT

Section 412(c) of Pub. L. 95-426 provided that: "The amendments made by this section [amending subsec. (c)(1)(B) of this section and note set out under section 1004 of this title] shall be effective as of August 17, 1977."

EFFECTIVE DATE OF 1977 AMENDMENT

Section 402(b)(2) of Pub. L. 95-105 provided that: "The amendment made by paragraph (1) of this subsection [adding subsec. (c) of this section] shall apply with respect to all past, present, and future qualified employees, but no monthly compensation or annuity payment under title 5, United States Code, that may be approved by reason of such amendment shall be effective prior to the first day of the first month which begins on or after the date of enactment of this Act [Aug. 17, 1977] or October 1, 1977, whichever is later. Payments that may be authorized under such amendment, other than annuity or monthly compensation payments referred to in the preceding sentence, shall be paid from funds appropriated after such date of enactment for salaries and expenses."

IMPROVEMENT IN FOREIGN NATIONAL PAY PLANS

Section 107(a) of Pub. L. 96-60 provided that:

"It is the sense of the Congress that the Secretary of State should—

"(1) improve coordination between the Department of State and the Department of Defense and other departments and agencies of the United States operating outside the United States with respect to foreign national pay systems and wage schedules to the extent that—

"(A) joint wage surveys and compatible pay schedules are adopted in countries where two or more departments or agencies of the United States directly employ foreign nationals, and

"(B) Department of Defense wage rates are included in wage surveys of the Department of State where the Department of Defense operates under indirect-hire arrangements;

"(2) monitor the establishment of wage rates outside the United States more closely to insure that United States missions—

"(A) operate under salary schedules that reflect private sector average pay or average pay ranges,

"(B) include the cost of severance in making pay adjustments, and

"(C) survey jobs in the private sector which represent as closely as possible the work force of the mission; and

"(3) substitute, whenever possible, prevailing local retirement plans for civil service retirement with respect to the retirement of foreign nationals employed by the United States."

EMPLOYMENT OF FAMILY MEMBERS OVERSEAS

Section 401(a) of Pub. L. 95-426 provided that:

"(a) In order to expand employment opportunities for family members of United States Government personnel assigned abroad, the President shall—

"(1) seek to conclude such bilateral and multilateral agreements as will facilitate the employment of such family members in foreign economies; and

"(2) direct that at any United States post abroad where a qualified family member is available to be hired, consideration shall be given, when continuity over a long term is not a significant consideration, to converting a vacant alien position to an American position for staffing by that family member."

REPORT TO CONGRESS ON EMPLOYMENT OF FAMILY MEMBERS OF GOVERNMENT PERSONNEL OVERSEAS

Section 401(c) of Pub. L. 95-426 provided that: "Not later than January 20, 1979, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report describing fully and completely the actions taken by the Department of State pursuant to this section and section 413 of the Foreign Relations Authorization Act, Fiscal Year 1978 [section 2693 of this title]."

CROSS REFERENCES

Employment of spouses and family members of Foreign Service personnel, see section 2693 of this title.

PART F—ADDITIONAL COMPENSATION

§ 896. Special allowances to Foreign Service Officers

If he finds it to be in the best interests of the Service, the Secretary may, under such conditions as he may determine, pay special allowances, in addition to compensation otherwise authorized, to Foreign Service officers who are required because of the nature of their assignments to perform additional work on a regular basis in substantial excess of normal requirements.

(Aug. 13, 1946, ch. 957, title IV, § 451, as added Oct. 7, 1978, Pub. L. 95-426, title IV, § 402(a), 92 Stat. 978.)

EFFECTIVE DATE

Section 402(b) of Pub. L. 95-426 provided that: "The amendment made by this section [adding this section] shall take effect on October 1, 1978."

SUBCHAPTER V—APPOINTMENTS AND ASSIGNMENTS

PART A—PRINCIPAL DIPLOMATIC REPRESENTATIVES

§ 901. Appointment and assignment by President

[*See main edition for text of* (a) *and* (b)]

(c) Advice and consent of Senate; recess appointments; special missions exception

On and after July 13, 1972, no person shall be designated as ambassador or minister, or be designated to serve in any position with the title of ambassador or minister, unless that person is appointed as an ambassador or minister in accordance with subsection (a) of this section or clause 3, section 2, of article II of the Constitution, relating to recess appointments, except that the personal rank of ambassador or minister may be conferred by the President in connection with special missions for the President of an essentially limited and temporary nature of not exceeding six months if the President, before conferring such rank, reports in writing to the Committee on Foreign Relations of the Senate his intent to confer such rank and transmits therewith all materials relating to any potential conflicts of interest relevant to such person.

(As amended Aug. 17, 1977, Pub. L. 95-105, title IV, § 403, 91 Stat. 853.)

AMENDMENTS

1977—Subsec. (c). Pub. L. 95-105 added provisions requiring the President, before conferring temporary rank for special missions, to report to the Committee on Foreign Relations of the Senate his intent to confer such rank and any materials relating to any potential conflict of interest.

EXTENSION OF TERM OF PRESIDENTIAL ADVISORY BOARD ON AMBASSADORIAL APPOINTMENTS

Term of the Presidential Advisory Board on Ambassadorial Appointments extended until Dec. 31, 1980, see Ex. Ord. No. 12110, Dec. 28, 1978, 44 F.R. 1069, set out as a note under section 14 of Appendix to Title 5, Government Organization and Employees.

§ 901a. Campaign contribution report by nominees for ambassador or minister

From and after October 18, 1973, each person appointed by the President as ambassador or minister shall, at the time of his nomination, file with the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report of contributions made by such person and by members of his immediate family during the period beginning on the first day of the fourth calendar year preceding the calendar year of his nomination and ending on the date of his nomination, which report shall be verified by the oath or affirmation of such person, taken before any officer authorized to administer oaths. The Chairman of the Committee on Foreign Relations of the Senate shall have printed in the Congressional Record each such report. As used in this section, the term "contribution" has the same meaning given such term by section 431(8) of title 2, and the term "immediate family" means a person's spouse, and any child, parent, grandparent, brother, or sister of such person and the spouses of any of them.

(As amended Pub. L. 96-187, title I, § 112(e)(2), Jan. 8, 1980, 93 Stat. 1366.)

AMENDMENTS

1980—Pub. L. 96-187 substituted "431(8) of title 2" for "431(e) of title 2".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-187 effective on Jan. 8, 1980, see section 301(a) of Pub. L. 96-187, set out as an Effective Date of 1980 Amendment note under section 431 of Title 2, The Congress.

PART B—FOREIGN SERVICE OFFICERS

§ 909. Assignment and transfer

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1226, 1231 of this title.

§ 910. Citizenship requirements

No person shall be eligible for appointment as a Foreign Service officer unless he is a citizen of the United States.

(As amended Aug. 17, 1977, Pub. L. 95-105, title IV, § 404, 91 Stat. 853.)

AMENDMENTS

1977—Pub. L. 95-105 struck out "and has been such for at least ten years" following "citizen of the United States".

§ 911. Admission to Class 6, 7, or 8

(a) No person shall be eligible for appointment as a Foreign Service officer of class 8 unless he has passed such written, oral, physical, and other examinations as the Board of Examiners for the Foreign Service may prescribe to determine his fitness and aptitude for the work of the Service and has demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution. The Secretary may furnish the President with the names of those persons who have passed such examinations and are eligible for appointment as Foreign Service officers of class 8.

[*See main edition for text of* (b)]

(c) Foreign Service officer candidates who have passed examinations described in subsection (a) of this section may be appointed by the Secretary, under such regulations as he may prescribe, for a trial period of service as Foreign Service Reserve officers of class 7 or 8. Such appointments shall be limited to a maximum of 48 months, but may be extended for up to 12 additional months if the Secretary deems such extension to be in the public interest. Such Reserve officers may receive promotions up to class 6 for satisfactory performance during such trial period. The Secretary shall furnish the President with the names of such Reserve officers who have demonstrated fitness and aptitude for the work of the Service and whom he recommends for appointment as Foreign Service officers in the class corresponding to their Reserve officer class. The Secretary may

terminate the services of such Reserve officers at any time under section 1008 of this title.

(As amended Aug. 17, 1977, Pub. L. 95-105, title IV, § 405, 91 Stat. 853.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-105, § 405(2), substituted "Secretary may furnish" for "Secretary shall furnish".

Subsec. (c). Pub. L. 95-105, § 405(3), added subsec. (c).

§ 914. Reassignment to Foreign Service of former ambassadors and ministers

If, within three months of the date of the termination of his services as chief of mission and of any period of authorized leave, a Foreign Service officer, or a Foreign Service Reserve officer who is a participant in the Foreign Service Retirement and Disability System, has not again been appointed or assigned as chief of mission or assigned to another position in accordance with this chapter or any other Act, he shall be retired from the Service and receive retirement benefits in accordance with the provisions of section 1076 of this title.

(As amended Aug. 17, 1977, Pub. L. 95-105, title IV, § 406, 91 Stat. 854.)

AMENDMENTS

1977—Pub. L. 95-105 inserted ", or a Foreign Service Reserve officer who is a participant in the Foreign Service Retirement and Disability System," following "Foreign Service officer" and substituted "to another position in accordance with this chapter or any other Act" for "in accordance with the provisions of section 909 of this title".

PART C—FOREIGN SERVICE RESERVE OFFICERS

§ 922. Appointments and assignments to Reserve

Whenever the services of a person who is a citizen of the United States are required by the Service, the Secretary may—

[*See main edition for text of (1) and (2)*]

(3) extend the appointment or assignment of any Reserve officer, or continue the services of any such Reserve officer by reappointment without regard to the provisions of section 927 of this title, for not more than five additional years if the Secretary deems it to be in the public interest to continue such officer in the Service, except that the assignment of any Reserve officer under paragraph (2) above may not be extended under the provisions of this paragraph without the consent of the head of the agency concerned; except that the authority contained in this paragraph relating to extending the appointment of any Reserve officer, and to continuing the services of any such Reserve officer by reappointment, shall not be applicable to the Department of State and the International Communication Agency.

(As amended Aug. 17, 1977, Pub. L. 95-105, title IV, § 407, 91 Stat. 854; Oct. 7, 1978, Pub. L. 95-426, title II, § 204(b)(6), 92 Stat. 974.)

AMENDMENTS

1978—Par. (3). Pub. L. 95-426 substituted "International Communication Agency" for "United States Information Agency".

1977—Pub. L. 95-105 struck out "and who has been such for at least five years" following "citizen of the United States" in provisions preceding par. (1).

EX. ORD. NO. 9932. ACQUISITION OF COMPETITIVE STATUS AND REEMPLOYMENT OF CERTAIN PERSONS APPOINTED OR ASSIGNED TO THE FOREIGN SERVICE

Ex. Ord. No. 9932, Feb. 27, 1948, 13 F.R. 1099, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

By virtue of the authority vested in me by the Civil Service Act of January 16, 1883 (22 Stat. 403) [now covered by section 1101 et seq. of Title 5, Government Organization and Employees], section 1753 of the Revised Statutes [now covered by section 3301 et seq. of title 5], the Foreign Service Act of 1946 (60 Stat. 999) [this chapter], and as President of the United States, and in order to facilitate the interchange of personnel between the Foreign Service of the United States and other branches of the Government, it is hereby ordered as follows:

[*See main edition for text of pars. 1 to 5*]

6. The Office of Personnel Management is authorized, after consultation with the Department of State, to prescribe such rules and regulations as may be necessary to carry out the provisions of this order: *Provided*, That any changes in such rules and regulations made subsequent to the appointment or assignment of personnel for duty with the Foreign Service shall not be effective as to such personnel without the prior concurrence of the Department of State.

[*See main edition for text of par. 7*]

§ 924. Commissions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1231 of this title.

§ 928. Reinstatement of Reserve officers

ENTITLEMENT TO BENEFITS FOR SERVICES PERFORMED OUTSIDE UNITED STATES; SERVICE EXCEEDING THIRTY MONTHS

Persons appointed, employed, or assigned after May 19, 1959, under former section 1787(c) of this title or section 2385(d) of this title for the purpose of performing functions under the Mutual Security Act of 1954 (see Short Title note under section 1754 of this title) and the Foreign Assistance Act of 1961 (section 2151 et seq. of this title) outside the United States shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided for by this section in cases in which their service under the appointment, employment, or assignment exceeds thirty months. See Ex. Ord. No. 12163, § 1-602(b), Sept. 29, 1979, 44 F.R. 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§§ 929 to 932

TRANSFER OF FUNCTIONS

All functions vested in the Director of the United States Information Agency under sections 929 to 932 of this title were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(3), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

PART E—ALIEN CLERKS AND EMPLOYEES

§ 946. Appointments

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 861, 2679a of this title.

PART H—ASSIGNMENT OF FOREIGN SERVICE PERSONNEL

§ 961. Assignments to any Government agency or international organization

[*See main edition for text of* (a)]

(b) Status as Foreign Service officer or Reserve officer

If a Foreign Service officer or Reserve officer shall be appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any Government agency, any United States delegation or mission to any international organization, in any international commission, or in any international body, the period of his service in such capacity shall be construed as constituting an assignment within the meaning of subsection (a) of this section and such person shall not, by virtue of the acceptance of such an assignment, lose his status as such an officer. Service in such a position shall not, however, be subject to the limitations concerning the duration of an assignment contained in subsection (a) of this section.

[*See main edition for text of* (c) *and* (d)]

(As amended Aug. 17, 1977, Pub. L. 95-105, title IV, § 408, 91 Stat. 854.)

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-105 inserted "or Reserve officer" preceding "shall be appointed" and substituted "status as such an officer" for "status as a Foreign Service officer".

§ 966. Assignment to public or private nonprofit organizations and Members and offices of Congress

(a) Number; requirements of assignment; reimbursement

(1) A substantial number of Foreign Service officers shall, after their seventh year of service (counting service as a Foreign Service officer and prior service as a Foreign Service Reserve officer), be assigned in the United States, or any territory or possession thereof, for significant duty with a State or local government, public school, community college, or other public or private nonprofit organization designated by the Secretary. Such duty may include assignment to a Member of office of the Congress, except that of the total number of officers assigned under this section at any one time, not more than 20 per centum may be assigned to Congress.

(2) To the extent practical, assignments shall be for at least twelve consecutive months and may be on a reimbursable basis. Any such reimbursements shall be credited to and used by the appropriations made available for the salaries and expenses of officers or employees. Reimbursement for an assignment to a Member or office of the Senate shall be made at the rate of one-half of the current salary of the Foreign Service officer (who shall continue to be paid his or her full salary by the Department of State).

[*See main edition for text of* (b) *to* (e)]

(f) Eligibility of officer

The Secretary may reimburse a Foreign Service officer for relocation expenses incident to household moves necessitated by an assignment under this section for which the officer is not entitled to be reimbursed under any other provision of law. For purposes of such reimbursement, regulations issued pursuant to section 5724a(a)(3) of title 5 shall apply to the same extent as if the officer were entitled to be reimbursed for travel and transportation expenses under section 5724(a) of that title.

(As amended Oct. 7, 1978, Pub. L. 95-426, title IV, § 403(a)(2)-(4), 92 Stat. 978.)

AMENDMENTS

1978—Subsec. (a)(1). Pub. L. 95-426, § 403(a)(2), substituted "after their seventh year of service (counting service as a Foreign Service officer and prior service as a Foreign Service Reserve officer)" for "before their fifteenth year of service as such officers", and added "or private nonprofit" following "or other public".

Subsec. (a)(2). Pub. L. 95-426, § 403(a)(3), added provision relating to reimbursement for an assignment to a Member or office of the Senate.

Subsec. (f). Pub. L. 95-426, § 403(a)(4), added subsec. (f). Former subsec. (f), stating that the provisions of this section shall apply only to a Foreign Service officer completing his tenth year of service as such officer on or after Oct. 1, 1978, was struck out.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 403(b) of Pub. L. 95-426 provided that: "Section 576(f) of the Foreign Service Act of 1946, as added by subsection (a)(4) of this section [subsec. (f) of this section as added by section 403(a)(4) of Pub. L. 95-426], shall take effect on October 1, 1978, but shall apply with respect to relocation expenses incurred after the date of enactment of this Act [Oct. 7, 1978]."

SUBCHAPTER VI—PERSONNEL ADMINISTRATION

PART D—SEPARATION OF OFFICERS AND EMPLOYEES FROM THE SERVICE

§ 1004. Selection-out benefits

SPECIAL ANNUITY FOR CERTAIN FOREIGN SERVICE OFFICERS

Pub. L. 95-105, title IV, § 411, Aug. 17, 1977, 91 Stat. 955, as amended by Pub. L. 95-426, title IV, § 412(b), Oct. 7, 1977, 92 Stat. 981, provided that:

"(a) Subject to the conditions established in subsection (b), any Foreign Service officer—

"(1) who was retired under section 633(a)(1) of the Foreign Service Act of 1946 [section 1003(a)(1) of this title] before the date of enactment of this section, [Aug. 17, 1977];

"(2) who was not in class 1, 2, or 3 at the time of retirement;

"(3) who was 40 years of age or older at the time of retirement; and

"(4) who had at least 20 years of service, exclusive of credit for unused sick leave, creditable for purposes of section 821 of such Act [section 1076 of this title] at the time of retirement;

shall be entitled to receive retirement benefits in accordance with the provisions of such section 821 [section 1076 of this title] in lieu of any retirement benefits which the officer may be entitled to elect under section 634(b)(2) of such Act [subsec. (b)(2) of this section]. Such retirement benefits shall be paid from the Foreign Service Retirement and Disability Fund and shall be effective on the date the officer reaches age 50, the date of enactment of this section [Aug. 17, 1977], or October 1, 1977, whichever date is latest.

"(b) Retirement benefits may not be paid under this section unless (1) any refund of contributions paid to the officer under section 634(b)(2) of the Foreign Service Act of 1946 [subsec. (b)(2) of this section] is repaid to the Foreign Service Retirement and Disability Fund, with interest, in accordance with sections 811(d) and (f) of such Act [section 1071(d) and (f) of this title]; and (2) the service forming the basis for such retirement benefits is not used as the basis for any other retirement benefits under any retirement system.

"(c) In the event that an officer who is entitled to retirement benefits under this section dies before reaching the age of fifty, but after the date of enactment of this section [Aug. 17, 1977], his or her death shall be considered a death in service within the meaning of section 832 of the Foreign Service Act of 1946 [section 1082 of this title], except that no survivor's annuity (other than a survivor's annuity which would be payable under the first complete sentence in section 634(b)(2) of such Act [subsec. (b)(2) of this section] but for the enactment of this section) shall become effective before October 1, 1977.

"(d) An officer entitled to retirement benefits under this section may make the election described in section 821(b) or (f), as appropriate, of the Foreign Service Act of 1946 [section 1076(b) or (f) of this title] at any time before reaching the age of fifty or before the end of the sixty-day period beginning on the date of enactment of this section [Aug. 17, 1977], whichever is later."

§ 1008. Termination of limited appointments of Reserve officers and staff officers and employees

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 911, 1037a of this title.

§ 1009. Professional career counseling, advice, and placement assistance

In order to facilitate their transition from the Service, the Secretary may provide professional career counseling, advice, and placement assistance, by contract or otherwise (subject to the availability of appropriations), to officers and employees of the Service, other than those separated for cause.

(Aug. 13, 1946, ch. 957, title VI, § 639, as added Oct. 7, 1978, Pub. L. 95-426, title IV, § 404, 92 Stat. 979.)

PART J—FOREIGN SERVICE GRIEVANCES

§ 1037a. Consideration and resolution of grievances; promulgation of regulations for procedures; criteria

The Secretary shall, consistent with the purposes stated in section 1037 of this title, implement this part by promulgating regulations, and revising those regulations when necessary, to provide for the consideration and resolution of grievances by a board. No such regulation promulgated by the Secretary shall in any manner alter or abridge the provisions of due process established by this section for grievants. The regulations shall include, but not be limited to, the following:

(1) Procedures for the resolution of grievances in accordance with the purposes of this part shall be established by agreement between the Secretary and the organization accorded recognition as the exclusive representative of the officers and employees of the Service. If a grievance is not otherwise resolved under agency procedures within ninety days of presentation, a grievant shall be entitled to file a grievance with the board for its consideration and resolution. For the purposes of the regulations—

[See main edition for text of (A)]

(B) "grievance" shall mean any act or condition subject to the control of the Department of State, International Communication Agency, or the Agency for International Development (hereafter in this part referred to as the foreign affairs agencies, or agencies) which is alleged to deprive the grievant of a right or benefit authorized by law or regulation, or is otherwise a source of concern or dissatisfaction to the grievant; and grievances shall include but not be limited to complaints against separation of an officer or employee allegedly contrary to law or regulation or predicated upon alleged inaccuracy (including inaccuracy resulting from omission of any relevant and material document) or falsely prejudicial character of any part of the grievant's official personnel record; other alleged violation, misinterpretation, or misapplication of applicable law, regulation, or published policy affecting the terms and conditions of the grievant's employment or career status; allegedly wrongful disciplinary action against an employee constituting a reprimand or suspension from official duties; dissatisfaction with any matter subject to the control of the agency with respect to the grievant's physical working environment; alleged inaccuracy, error, or falsely prejudicial material in the grievant's official personnel file; and action alleged to be in the nature of reprisal for an employee's participation in grievance procedures; but grievances shall not include complaints against individual assignments or transfers of Foreign Service officers or employees which are ordered in accordance with law and regulation, judgments of Selection Boards pursuant to section 993 of this title or of equivalent bodies in ranking Foreign Service officers and employees for promotion on the basis of merit or judgments in examinations prescribed by the Board of Examiners pursuant to section 911 or 912 of this title, termination of time limited appointments pursuant to section 1008 of this title and the pertinent regulations prescribed by the employing agency, or any complaints or appeals where a specific statutory appeal procedure exists (other matters not specified in this paragraph may be excluded as grievances only by written agreement of the agencies and the exclusive representative organization);

[See main edition for text of (C) to (E); (2) to (16)]

(As amended 1977 Reorg. Plan No. 2, §§ 5, 7(a)(4), 42 F.R. 62461, 91 Stat. 1636, 1637.)

TRANSFER OF FUNCTIONS

All functions vested in the United States Information Agency, or the Director thereof, which agency was abolished by Reorg. Plan No. 2 of 1977, § 9(a)(1), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, under par. (1) of this section or sections 922(3) and 1063(a)(4) of this title, were transferred to the Director of the International Communication Agency pursuant to section 7(a)(4) of Reorg. Plan No. 2 of 1977. The Director of the International Communication Agency was authorized by section 5 of Reorg. Plan No. 2 of 1977 to make provision from time to time for the performance of any such transferred function by any officer, employee, or unit of the International Communication Agency. Accordingly, "International Communication Agency" was substitute for "United States Information Agency" in par. (1)(B) of this section.

SUBCHAPTER VII—THE FOREIGN SERVICE INSTITUTE

§ 1041. Establishment of the Institute: orientation and language training

LANGUAGE TRAINING FOR FAMILY MEMBERS OF FOREIGN SERVICE PERSONNEL

Pub. L. 95-105, title IV, § 414, Aug. 17, 1977, 91 Stat. 857, provided that:

"(a) It is the sense of Congress that, in order to increase the effectiveness of United States diplomatic representation abroad, the Secretary of State should make greater use of his authority under section 701 of the Foreign Service Act of 1946 [this section] in order to increase the language training opportunities available to the family members of Foreign Service personnel.

"(b) Not later than January 1, 1978, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report discussing—

"(1) actions he has taken in accordance with subsection (a) of this section; and

"(2) any budgetary or other obstacles which prevent the Department of State from making available a comprehensive language training program for the families of Foreign Service personnel."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1048 of this title; title 10 section 2002.

§ 1048. Orientation and language training for family members of Government personnel

(a) To facilitate orientation and language training provided to members of families of officers and employees of the Government pursuant to section 1041 of this title, the Secretary may make grants to family members attending language and orientation programs of study of the Institute. No such grant may exceed the amount actually expended for necessary costs incurred in conjunction with such attendance, and in no event may any such grant exceed $300 per month per individual. No individual may receive such a grant for more than six months in connection with any one assignment.

(b) If a member of the family of an officer or employee of the Government who is assigned abroad is unable to participate in language training provided by the Department at the Institute or elsewhere, the Secretary may partially compensate that family member for language training, related to the assignment abroad, which is undertaken at a public or private institution.

(Aug. 13, 1946, ch. 957, title VII, § 708, as added Oct. 7, 1978, Pub. L. 95-426, title IV, § 405(a)(1), 92 Stat. 979.)

EFFECTIVE DATE

Section 405(a)(2) of Pub. L. 95-426 provided that: "The amendment made by paragraph (1) of this subsection [adding this section] shall take effect on October 1, 1978."

REPORT TO CONGRESS ON PROGRAMS FOR ORIENTATION AND LANGUAGE TRAINING FOR FAMILY MEMBERS; RECOMMENDATIONS

Section 405(b) of Pub. L. 95-426 provided that: "Not later than January 1, 1980, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on the programs authorized by the amendment made by this section [adding this section]. The Secretary shall include in this report a recommendation with regard to whether those programs should remain in effect, be modified, or be terminated."

SUBCHAPTER VIII—RETIREMENT AND DISABILITY SYSTEM

PART A—ESTABLISHMENT OF SYSTEM

§ 1063. Participants

(a) The following persons, referred to in this chapter as participants, shall be entitled to the benefits of the System:

[*See main edition for text of (1) to (3)*]

(4) All Foreign Service staff officers and employees appointed by the Secretary of State or the Director of the International Communication Agency with unlimited appointments.

[*See main edition for text of (b)*]

(As amended Oct. 7, 1978, Pub. L. 95-426, title II, § 204(b)(7), 92 Stat. 974.)

AMENDMENTS

1978—Subsec. (a)(4). Pub. L. 95-426 substituted "International Communication Agency" for "United States Information Agency".

§ 1064. Definitions

AMENDMENT OF SECTION BY EXECUTIVE ORDER 12145

Section 1-102 of Ex. Ord. No. 12145, July 18, 1979, 44 F.R. 42653, set out as a note under section 1065 of this title, purported to amend paragraph (2) of this section by striking out "2 years" wherever it appears and inserting in lieu thereof "one year".

AMENDMENT OF SECTION BY EXECUTIVE ORDER 11952

Section 2(a) of Ex. Ord. No. 11952, Jan. 7, 1977, 42 F.R. 2293, 4809, set out as a note under section 1065 of this title, which purported to amend subsection (b) of this section by striking out "two years" wherever it ap-

pears and inserting in lieu thereof "one year", was revoked by Ex. Ord. No. 12145, July 18, 1979, 44 F.R. 42653.

§ 1065. Authority to maintain existing areas of conformity between Civil Service and Foreign Service Retirement Systems; regulations; Executive orders

EXECUTIVE ORDER NO. 11952

Ex. Ord. No. 11952, Jan. 7, 1977, 42 F.R. 2293, 4809, formerly set out as a note under this section, which related to the conforming of the Foreign Service and Civil Service Retirement and Disability Systems, was revoked by Ex. Ord. No. 12145, July 18, 1979, 44 F.R. 42653, set out as a note below.

EX. ORD. NO. 12145. CONFORMING THE FOREIGN SERVICE AND CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEMS

Ex. Ord. No. 12145, July 18, 1979, 44 F.R. 42653, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 805 of the Foreign Service Act of 1946, as added by Section 503 of Public Law 94-350 (90 Stat. 835; 22 U.S.C. 1065), in order to conform the Foreign Service Retirement and Disability System to certain amendments to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

1-101. (a) The enactment (after January 1, 1974) of certain laws has affected a number of provisions of general applicability in the Civil Service Retirement and Disability System (subchapter III, Chapter 83 of Title 5 of the United States Code) or otherwise affected current or former participants, annuitants, or survivors under that System which, immediately prior to the enactment of such laws, had been substantially identical to corresponding provisions of law affecting participants, former participants, annuitants or survivors under the Foreign Service Retirement and Disability System. Those laws are set forth at Annex I, attached hereto and made a part hereof.

(b) The provisions of the laws referred to in subsection (a) above are extended, as provided by Section 805 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1065), to the Foreign Service Retirement and Disability System in accordance with the provisions of this Order, which provisions shall modify, supersede, or render inapplicable all inconsistent prior provisions of law.

1-102. In accord with Section 1 of Public Law 93-260 [amending 5 U.S.C. 8341(a)], Section 804(2) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1064(2)), is deemed to be amended by striking out "two years" wherever it appears and inserting in lieu thereof "one year". This amendment shall apply only in the cases of participants, former participants, or annuitants who died on or after April 9, 1974 but no annuity shall be paid or recomputed, by virtue of this amendment, for any period prior to May 1, 1974.

1-103. In accord with Section 1(b) of Public Law 95-382 [amending 5 U.S.C. 8334(g)], Section 811 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1071), shall be deemed to be amended to provide that, "No contribution shall be required for any period for which credit is allowed to persons of Japanese ancestry for being interned or otherwise detained during World War II, as described in Section 1(a) of Public Law 95-382 [amending 5 U.S.C. 8332].".

1-104. In accord with Section 1 of Public Law 93-273 [amending 5 U.S.C. 8345], and notwithstanding any other provision of Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), said Section 821 shall be deemed to be amended to provide for the payment of a minimum annuity as set forth at Section 821-1 of Annex II attached hereto and made a part hereof.

1-105. In accord with Section 2 of Public Law 93-273 [enacting provisions set out as notes under 5 U.S.C. 8339, 8341, 8345], Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide an increase in annuities, which have been computed on the highest five consecutive years of service, as set forth at Section 821-2 of Annex II, attached hereto and made a part hereof.

1-106. In accord with Sections 1(a) and 4 of Public Law 95-317 [amending 5 U.S.C. 8339 and enacting a provision set out as a note thereunder], Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide for the recomputation of annuities for nonmarried annuitants as set forth at Section 821-3 of Annex II, attached hereto and made a part hereof.

1-107. (a) In accord with Section 1(c) of Public Law 95-317 [amending 5 U.S.C. 8339(k)(2)], the last sentence of Section 821(g) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076(g)), shall be deemed to be amended to read as follows: "The annuity reduction or recomputation shall be effective the first day of the first month beginning one year after the date of marriage."

(b) The amendment made by paragraph (a) above shall apply with respect to survivor elections received by the Secretary on or after October 1, 1978.

1-108. (a) In accord with Section 2 of Public Law 95-317 [amending 5 U.S.C. 8339(k)(1)], Section 821(f) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076(f)), shall be deemed to be amended by adding at the end thereof the following: "An annuity which is reduced under this subsection or any similar prior provisions of law shall, effective the first day of the month following the death of the beneficiary named under this subsection, be recomputed and paid as if the annuity had not been so reduced.".

(b) The amendment made by paragraph (a) above shall apply with respect to annuities which commence before, on, or after October 1, 1978, but no monetary benefit by reason of such amendment shall accrue for any period before October 1, 1978.

1-109. In accord with Section 3 of Public Law 95-317 [enacting a provision set out as a note under 5 U.S.C. 8339], Section 821 of the Foreign Service Act, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide a requirement for annual notice to participants, as set forth at Section 821-4 of Annex II, attached hereto and made a part hereof.

1-110. In accord with subsection (c) and (d) of Section 2 of Public Law 95-382 [enacting provisions set out as a note under 5 U.S.C. 8332], Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide World War II Internment annuity credit as set forth at Section 821-5 of Annex II, attached hereto and made a part hereof.

1-111. In accord with Sections 1(a) and 2(a) and (b) of Public Law 95-382 [amending 5 U.S.C. 8332 and enacting provisions set out as a note thereunder], Section 851 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1091), shall be deemed to be amended to provide additional creditable service as set forth at Section 851-1 at Annex III attached hereto and made a part hereof.

1-112. In accord with Public Law 94-166 [amending 5 U.S.C. 8345 and 8346] and Public Law 95-366 [amending 5 U.S.C. 8345 and 8346 and enacting provisions set out as a note under 5 U.S.C. 8345], Section 864 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1104), shall be deemed to be amended to read as set forth at Annex IV, attached hereto and made a part hereof.

1-113. Because the provisions of Executive Order No. 11952 of January 7, 1977, have been incorporated into this Order or its Annexes, Executive Order No. 11952 is revoked.

JIMMY CARTER.

ANNEX I

1-101. Section 1 of Public Law 93-260, approved April 9, 1974 (88 Stat. 76) [amending 5 U.S.C. 8341(a)].

1-102. Public Law 93-273, approved April 26, 1974 (88 Stat. 93) [amending 5 U.S.C. 8345 and enacting provisions set out as notes under 5 U.S.C. 8339, 8341, 8345].

1-103. Public Law 94-166, approved December 23, 1975 (89 Stat. 1002) [amending 5 U.S.C. 8345 and 8346].

1-104. Public Law 95-317, approved July 10, 1978 (92 Stat. 382) [amending 5 U.S.C. 8339 and 8341 and enacting provisions set out as notes under 5 U.S.C. 8339].

1-105. Public Law 95-366, approved September 15, 1978 (92 Stat. 600) [amending 5 U.S.C. 8345 and 8346 and enacting a provision set out as a note under 5 U.S.C. 8345].

1-106. Public Law 95-382, approved September 22, 1978 (92 Stat. 727) [amending 5 U.S.C. 8332 and 8334 and enacting a provision set out as a note under 5 U.S.C. 8332].

Annex II

Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), shall be deemed to be amended to provide:

821-1. Payment of Minimum Annuity

821-101. The monthly rate of an annuity payable, under Section 821 of the Foreign Service Act of 1946, as amended [section 1076 of this title], to an annuitant, or to a survivor annuitant other than a child, shall not be less than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 et seq.).

821-102. The monthly rate of an annuity payable, under said Section 821 [section 1076 of this title], to a surviving child shall not be less than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 et seq.), or three times such primary insurance amount divided by the number of surviving children entitled to an annuity, whichever is the lesser.

821-103. The provisions of this Section 821-1 shall not apply to an annuitant or to a survivor who is or becomes entitled to receive from the United States an annuity or retired pay under any other civilian or military retirement system, benefits under Title II of the Social Security Act (42 U.S.C. 401 et seq.), a pension, veterans' compensation, or any other periodic payment of a similar nature, when the monthly rate thereof is equal to or greater than the smallest primary insurance amount, including any cost of living increase added to that amount, authorized to be paid from time to time under Title II of the Social Security Act (42 U.S.C. 401 et seq.).

821-104. The provisions of this Section 821-1 apply to all annuities, whether commenced before, on, or after August 1, 1974, but no increase in any annuity shall be paid or recomputed under this subsection for any period prior to August 1, 1974.

821-2. Increase in Annuities

821-201. An annuity payable to a former participant which is based on a separation occurring prior to October 20, 1969, is increased by $240.00.

821-202. In lieu of any increase based on an increase under subsection 201, an annuity to the surviving spouse of a participant or annuitant which is based on a separation occurring prior to October 20, 1969, is increased by $132.00.

821-203. The provisions of this Section 821-2 shall not apply to annuities payable under Section 523(c) of Public Law 94-350 (90 Stat. 847, 22 U.S.C. 1076 note), or any similar prior provision of law, to the surviving spouse of a participant or annuitant.

821-204. The monthly rate of an annuity resulting from an increase under this Section 821-2 shall be considered as the monthly rate of annuity payable under Section 821 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076), for purposes of computing the minimum annuity as provided in Section 821-1 of this Annex.

821-205. The provisions of this subsection apply to all annuities, whether commenced before, on, or after August 1, 1974, but no increase in any annuity shall be paid or recomputed under this Section 821-2 for any period prior to August 1, 1974.

821-3. Recomputation of Annuities for Nonmarried Annuitants

821-301. An annuity which is reduced under Section 821(b)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1076(b)(1)), or any similar prior provision of law shall, for each full month during which a retired participant is not married (or is remarried if there is no election in effect under the following sentence), be recomputed and paid as if the annuity had not been so reduced. Upon remarriage the retired participant may irrevocably elect during such marriage, in a signed writing received in the Department of State within one year after such remarriage, a reduction in the participant's annuity for the purpose of allowing an annuity for the participant's spouse in the event such spouse survives the participant. Such reduction shall be equal to the reduction in effect immediately before the dissolution of the previous marriage, and shall be effective the first day of the first month beginning one year after the date of the remarriage.

821-302. Except as provided in subsection 303 below, the provisions of subsection 301 above shall apply with respect to annuities which commence before, on, or after October 1, 1978, but no monetary benefit by reason of such provision shall accrue for any period before October 1, 1978.

821-303. The provisions in subsection 301 above shall not affect the eligibility of any individual to a survivor annuity under Section 821 of the Foreign Service Act of 1946, as amended [22 U.S.C. 1076], or the reduction therefor, in the case of an annuitant who remarried before October 1, 1978, unless the annuitant notifies the Department of State in a signed writing received in the Department within one year after October 1, 1978, that such annuitant does not desire the spouse of the annuitant to receive a survivor annuity in the event of the annuitant's death. Such notification shall take effect the first day of the first month after it is received in the Department.

821-4. Annual Notice to Participants

The Secretary shall, on an annual basis, inform each participant of such participant's right of election under Section 821-3 of this Annex and under Section 821(g) of the Foreign Service Act of 1946, as amended by Section 1-107 of this Executive Order [22 U.S.C. 1076(g)].

821-5. World War II Internment Annuity Credit

821-501. An annuity or survivor annuity based upon the service of a participant who is of Japanese ancestry and who was interned or otherwise detained during World War II, as described in Section 851-1 of Annex III of this Executive Order, shall, upon application to the Secretary, be recomputed to provide creditable service for such period of internment or detention, as provided in that Section 851-1 of Annex III of this Executive Order. Any such recomputation of an annuity shall apply with respect to months beginning more than 30 days after the date on which application for such recomputation is received by the Secretary.

821-502. The Secretary shall take such action as may be necessary and appropriate to inform individuals entitled to have any service credited by reason of internment or detention, or to have any annuity recomputed under this subsection of their entitlement to such credit or recomputation.

821-503. The Secretary shall, on request, assist any individual referred to in this Section 821-5 in obtain-

ing from any department, agency or other instrumentality of the United States, such information possessed by such instrumentality as may be necessary to verify the entitlement of such individual to have any service credited by reason of internment or detention or to have any annuity recomputed under this Section.

821-504. Any department, agency, or other instrumentality of the United States which possesses any information with respect to any such internment or other detention of any participant shall, at the request of the Secretary, furnish such information to the Secretary.

ANNEX III

Section 851 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1091), shall be deemed to be amended to provide:

851-1. ADDITIONAL CREDITABLE SERVICE

851-101. A participant who is of Japanese ancestry and who, while a citizen of the United States or an alien lawfully admitted to the United States for permanent residence, was interned or otherwise detained at any time during World War II in any camp, installation, or other facility in the United States, or in any territory or possession of the United States, under any policy or program of the United States respecting individuals of Japanese ancestry which was established during World War II in the interests of national security pursuant to:

(A) Executive Order Numbered 9066, dated February 19, 1942;

(B) Section 67 of the Act entitled "An Act to provide a government for the Territory of Hawaii", approved April 30, 1900 (chapter 339, Fifty-sixth Congress; 31 Stat. 153) [48 U.S.C. 532];

(C) Executive Order Numbered 9489, dated October 18, 1944;

(D) Sections 4067 through 4070 of the Revised Statutes of the United States [50 U.S.C. 21 to 24]; or

(E) Any other statute, rule, regulation, or order;

shall be allowed credit (as civilian service) for any period during which such participant was so interned or otherwise detained after such employee became 18 years of age.

851-102. For the purpose of this Section 851-1, "World War II" means the period beginning on December 7, 1941, and ending on December 31, 1946.

851-103. The provisions of this Section 851-1 shall apply with respect to annuities which commence before, on, or after October 1, 1978, but no monetary benefit by reason of such amendments shall accrue for any period before October 1, 1978.

ANNEX IV

Section 864 of the Foreign Service Act of 1946 as amended (22 U.S.C. 1104), shall be deemed to be amended to read:

Sec. 864(a) An individual entitled to an annuity from the Fund may make allotments or assignments of amounts from such annuity for such purposes as the Secretary in his sole discretion considers appropriate.

(b)(1) Payments under this title which would otherwise be made to a participant or annuitant based upon his service shall be paid (in whole or in part) by the Secretary to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this paragraph to a person bars recovery by any other person.

(2) Paragraph (1) shall only apply to payments made under this title after the date of receipt by the Secretary of written notice of such decree, order, or agreement, and such additional information and documentation as the Secretary may prescribe.

(3) As used in this subsection "court" means any court of any State or the District of Columbia.

(c) None of the moneys mentioned in this title shall be assignable, either in law or equity, except under the provisions of subsections (a) and (b) of this Section, or Section 634(c) [22 U.S.C. 1004(c)], or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal laws.

PART B—CONTRIBUTIONS TO THE FUND

§ 1071. Rate of contribution

[See main edition for text of (a) to (c)]

(d) Special contributions; interest; installment payments

Any participant credited with civilian service after July 1, 1924 (1) for which no retirement contributions, deductions, or deposits have been made, or (2) for which a refund of such contributions, deductions, or deposits has been made which has not been redeposited, may make a special contribution to the Fund equal to the following percentages of basic salary received for such services:

Service:	*Percent of basic salary*
From July 1, 1924, to October 15, 1960, inclusive	5
From October 16, 1960, to December 31, 1969, inclusive	6½
On and after January 1, 1970	7

Notwithstanding the foregoing, a special contribution for prior nondeposit service as a National Guard technician which would be creditable under subchapter III, chapter 83, title 5, toward civil service retirement and for which a special contribution has not been made, shall be equal to the special contribution for such service computed in accordance with the above schedule multiplied by the percentage of such service that is creditable under section 1091 of this title. Special contributions shall include interest computed from the midpoint of each service period included in the computation, or from the date refund was paid, to the date of payment of the special contribution or commencing date of annuity, whichever is earlier. Interest shall be compounded at the rate of 4 per centum per annum to December 31, 1976, and at 3 per centum per annum thereafter. No interest shall be charged on special contributions made after the effective date of the Foreign Service Retirement Amendments of 1976 for any period of separation from Government service which began before October 1, 1956. Special contributions may be paid in installments when authorized by the Secretary.

[See main edition for text of (e) and (f)]

(As amended Aug. 17, 1977, Pub. L. 95-105, title IV, § 409(a), 91 Stat. 854.)

AMENDMENT OF SECTION BY EXECUTIVE ORDER 12145

Section 1-103 of Ex. Ord. No. 12145, July 18, 1979, 44 F.R. 42653, set out as a note under section 1065 of this title, purported to amend this section to provide that, "No contribution shall be required for any period for which credit is allowed to persons of Japanese ancestry for being interned or oth-

erwise detained during World War II, as described in Section 1(a) of Public Law 95-382.".

AMENDMENTS

1977—Subsec. (d). Pub. L. 95-105 substituted "July 1, 1924" for "July 1, 1921" in the table.

PART C—COMPUTATION AND PAYMENT OF ANNUITIES

§ 1076. Rate of annuity; election; commencement and termination of payments

[*See main edition for text of (a) to (f)*]

(g) Marriage after retirement

An annuitant who was unmarried at retirement and who later marries may, within one year after such marriage, irrevocably elect in writing a reduced annuity with benefit to any surviving spouse who qualifies under section 1064(2) of this title. Receipt by the Secretary of notice of an election under this subsection voids prospectively any election previously made under subsection (f) of this section. The reduction in annuity required by an election under this subsection shall be computed and the amount of the survivor annuity shall be determined as if the election were made under subsection (b)(1) of this section. The annuity reduction or recomputation shall be effective the first day of the month after notice of the election is received by the Secretary.

[*See main edition for text of (h) and (i)*]

(As amended Aug. 17, 1977, Pub. L. 95-105, title IV, § 409(b), 91 Stat. 854.)

AMENDMENT OF SECTION BY EXECUTIVE ORDER 12145

For purported amendment of this section by executive order, see sections 1-104 to 1-110 and Annex II of Ex. Ord. No. 12145, July 18, 1979, 44 F.R. 42653, set out as a note under section 1065 of this title.

AMENDMENT OF SECTION BY EXECUTIVE ORDER 11952

Section 2(b)-(d) of Ex. Ord. No. 11952, Jan. 7, 1977, 42 F.R. 2293, 4809, set out as a note under section 1065 of this title, which purported to amend this section to provide for (1) the payment of a minimum annuity, (2) an increase in annuities computed on the highest five consecutive years of service, and (3) the recomputation of annuities for nonmarried annuitants, was revoked by Ex. Ord. No. 12145, July 18, 1979, 44 F.R. 42653.

AMENDMENTS

1977—Subsec. (g). Pub. L. 95-105 substituted "unmarried at retirement" for "married at retirement".

COMPUTATION OF ANNUITIES OF PARTICIPANTS RETIRING DURING THE PERIOD BEGINNING OCTOBER 1, 1978 AND ENDING DECEMBER 31, 1979

Pub. L. 95-426, title IV, § 406, Oct. 7, 1978, 92 Stat. 979, which provided that the annuity of any participant in the Foreign Service Retirement and Disability System whose salary was or is limited by section 5308 of Title 5 and who retired during the period beginning Oct. 1, 1978 and ending Dec. 31, 1979, would be equal to 2 per centum of his or her basic salary for the highest year of service for which contributions had been made to the Foreign Service Retirement and Disability Fund multiplied by the number of years, not exceeding thirty-five, of service credit obtained in accordance with sections 1091 and 1093 of this title, was repealed by Pub. L. 95-482, § 109, Oct. 18, 1978, 92 Stat. 1605.

PART F—SERVICE PERIOD FOR ANNUITIES

§ 1091. Creditable service

AMENDMENT OF SECTION BY EXECUTIVE ORDER 12145

For purported amendment of this section by executive order, see section 1-111 and Annex III of Ex. Ord. No. 12145, July 18, 1979, 44 F.R. 42654, set out as a note under section 1065 of this title.

PART G—MONEYS

§ 1104. Attachment of moneys

AMENDMENT OF SECTION BY EXECUTIVE ORDER 12145

For purported amendment of this section by executive order, see section 1-112 and Annex IV of Ex. Ord. No. 12145, July 18, 1979, 44 F.R. 42654, set out as a note under section 1065 of this title.

AMENDMENT OF SECTION BY EXECUTIVE ORDER 11952

Section 2(e) of Ex. Ord. No. 11952, Jan. 7, 1977, 42 F.R. 2293, 4809, set out as a note under section 1065 of this title, which purported to amend this section, was revoked by Ex. Ord. No. 12145, July 18, 1979, 44 F.R. 42653.

CROSS REFERENCES

Enforcement of legal obligations to provide child support and make alimony payments, see section 659 of Title 42, The Public Health and Welfare.

PART H—ANNUITANTS RECALLED IN SERVICE OR REEMPLOYED IN GOVERNMENT

§ 1112. Reemployment

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2512 of this title.

SUBCHAPTER IX—ALLOWANCES AND BENEFITS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 926 of this title, title 7 section 1766c; title 26 section 912; title 31 section 822a.

PART B—TRAVEL AND RELATED EXPENSES

§ 1136. Travel expenses of officers and employees and their families; transportation and storage of furniture and household and personal effects; bringing home remains of personnel and family dying abroad

The Secretary may, under such regulations as he shall prescribe, pay—

[*See main edition for text of (1) to (8)*]

(9) the travel expenses of officers and employees of the Service who are citizens of the United States, and members of their families, while serving at posts specifically designated by the Secretary for purposes of this paragraph, for rest and recuperation to other lo-

cations abroad having different environmental conditions than those at the post at which such officers and employees are serving or to the United States, provided that such travel expenses shall be limited to the cost for each officer or employee and members of his family of one round trip during any continuous two-year tour unbroken by home leave and two round trips during any continuous three-year tour unbroken by home leave;

(10) the travel expenses of members of the family accompanying, preceding, or following an officer or employee, if while he is en route to or from a post of assignment, he is ordered temporarily for orientation and training or is given other temporary duty;

(11) the travel expenses of officers and employees of the Service for up to two round trips each year for purposes of family visitation in situations where the family of the officer or employee is prevented by official order from accompanying such officer or employee to, or has been ordered evacuated from, his assigned post because of danger from hostile activity, except that, with respect to any such officer or employee whose dependents are located abroad, the Secretary may authorize such additional trips as he deems appropriate not to exceed the equivalent cost of two round trips of less than first class to the District of Columbia, and the travel expenses of officers or employees stationed abroad (or their dependents located abroad), for purposes of family visitation in emergency situations involving personal hardship: *Provided*, That the facilities of the Military Airlift Command shall be utilized whenever possible for travel authorized under this section; and

(12) without regard to rates provided under the authority of section 5702 of title 5, the travel expenses of employees of the Department on protective security missions within the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone, at not to exceed the cost of lodging plus $24 per day.

(As amended Oct. 7, 1978, Pub. L. 95–426, title IV, §§ 407(a), 408(a), 409(a), 92 Stat. 980.)

AMENDMENTS

1978—Par. (9). Pub. L. 95–426, § 407(a), added "or to the United States" following "employees are serving".

Par. (10). Pub. L. 95–426, § 408(a), substituted "or from a" for "his".

Pars. (11), (12). Pub. L. 95–426, § 409(a)(1), (2), added "; and" at the end of par. (11) and added par. (12).

EFFECTIVE DATE OF 1978 AMENDMENT

Section 407(b) of Pub. L. 95–426 provided that: "The amendment made by subsection (a) [amending par. (9) of this section] shall take effect on October 1, 1978."

Section 408(b) of Pub. L. 95–426 provided that: "The amendment made by subsection (a) [amending par. (10) of this section] shall take effect on October 1, 1978."

Section 409(b) of Pub. L. 95–426 provided that: "The amendments made by subsection (a) [adding par. (12) of this section] shall take effect on October 1, 1978."

PART C—COMMISSARY AND MESS SERVICES AND RECREATION FACILITIES

§ 1139. Commissary and mess services and recreation facilities abroad

[*See main edition for text of* (a)]

(b) Non-Government operation

The Secretary, under such regulations as he may prescribe, may authorize and assist in the establishment, maintenance, and operation by officers and employees of the Service of non-Government-operated services and facilities at posts abroad, including the furnishing of space, utilities, and properties owned or leased by the United States for use by its diplomatic and consular missions. The provisions of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292–300), and section 2684 of this title, may be utilized by the Secretary in providing such assistance. Services and facilities established under this subsection shall be made available, insofar as practicable, to officers and employees of other Government agencies and their dependents who are stationed abroad. Such services and facilities shall not be established in localities where another United States agency operates similar services or facilities unless the Secretary determines that such additional services or facilities are necessary.

(c) Charges

Charges at any post abroad for a service or facility authorized or assisted under this section shall be at the same rate for all civilian personnel of the Government serviced thereby, and all charges for supplies furnished to such a service or facility abroad by any Government agency shall be at the same rate as that charged by the furnishing agency to its comparable civilian services and facilities.

(As amended Oct. 7, 1978, Pub. L. 95–426, title I, § 112(a)(2), 92 Stat. 968.)

REFERENCES IN TEXT

The Foreign Service Buildings Act, 1926 (22 U.S.C. 292–300), referred to in subsec. (b), is act May 7, 1926, ch. 250, 44 Stat. 403, as amended, which is classified generally to chapter 8 (§ 292 et seq.) of this title. For complete classification of this Act to the Code, see section 299 of this title and Tables.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95–426 substituted "non-Government-operated services and facilities" for "non-Government-operated commissary and mess services and facilities", "Services and facilities established under" for "Commissary or mess services and recreation facilities established pursuant to", "Such services and facilities shall" for "Such services or facilities shall", and added reference to section 2684 of this title.

Subsec. (c). Pub. L. 95–426 struck out "Notwithstanding sections 4621(g) and 9621(g) of title 10, or the provisions of any other law" preceding "Charges at any post", substituted "for a service or facility authorized" for "by a commissary or mess service or recreation facility authorized" and "to its comparable civilian services and facilities" for "to its civilian commissary or mess services or recreation facilities".

EFFECTIVE DATE OF 1978 AMENDMENT

Section 112(b) of Pub. L. 95–426 provided that: "The amendments made by this section [amending subsecs.

(b) and (c) of this section] shall take effect on October 1, 1978."

PART E—MEDICAL SERVICES

§ 1157. Travel for medical purposes; establishment of first-aid stations; employment of medical personnel

In the event an officer or employee of the Service who is a citizen of the United States or one of his dependents, requires medical care, for illness or injury not the result of vicious habits, intemperance or misconduct, while stationed abroad in a locality where there is no qualified person or facility to provide such care, the Secretary may, in accordance with such regulations as he may prescribe, pay the travel expenses of such person by whatever means he shall deem appropriate, including the furnishing of transportation, and without regard to the Standardized Government Travel Regulations and section 5731 of title 5, to the nearest locality where suitable medical care can be obtained. If any such officer, employee, or dependent is too ill to travel unattended, or in the case of a dependent too young to travel alone, the Secretary may also pay the round-trip travel expenses of an attendant or attendants.

(As amended Oct. 7, 1978, Pub. L. 95-426, title I, § 113(a)(1), 92 Stat. 968.)

AMENDMENTS

1978—Pub. L. 95-426 struck out the subsec. (a) designation, designated the provisions of such subsec. (a) as the entire section, and struck out subsec. (b) relating to the establishment of a first-aid station and providing for services of a physician, nurse or other medical personnel at a post where such personnel are warranted.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 113(b) of Pub. L. 95-426 provided that: "The amendments made by this section [amending this section and adding section 1160 of this title] shall take effect on October 1, 1978."

§ 1160. Medical treatment and health care facilities

The Secretary may establish medical treatment and health care facilities and provide for the services of physicians, nurses, or other medical or health care personnel at a post at which, in the opinion of the Secretary, sufficient personnel are employed to warrant such facilities or services.

(Aug. 13, 1946, ch. 957, title IX, § 945, as added Oct. 7, 1978, Pub. L. 95-426, title I, § 113(a)(2), 92 Stat. 968.)

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 113(b) of Pub. L. 95-426, set out as an Effective Date of 1978 Amendment note under section 1157 of this title.

SUBCHAPTER X—POWERS, DUTIES, AND LIABILITIES OF CONSULAR OFFICERS GENERALLY

§§ 1172 to 1174

AMERICAN INSTITUTE IN TAIWAN

Employees of the American Institute in Taiwan authorized to assist and protect interests of United States persons by performing acts such as are authorized to be performed outside the United States for consular purposes by these sections, see section 1-201 of Ex. Ord. No. 12143, June 22, 1979, 44 F.R. 37191, set out as a note under section 3301 of this title.

§ 1175. Estates of decedents generally; General Accounting Office as conservator

ADMINISTRATIVE ASSISTANCE IN ARRANGEMENTS FOLLOWING DEATH OF UNITED STATES CITIZEN ABROAD; REPORT TO CONGRESS ON ALTERNATIVE PROCEDURES

Pub. L. 95-426, title I, § 121, Oct. 7, 1978, 92 Stat. 970, provided that:

"(a) The Congress finds that the Department of State should, in the performance of its consular duties, render all reasonable administrative assistance to a United States citizen who is making necessary arrangements following the death of another United States citizen abroad.

"(b) The Secretary of State shall—

"(1) analyze alternative procedures by which the Department of State could, where necessary and appropriate, provide loans or other forms of assistance to facilitate such arrangements; and

"(2) not later than January 20, 1979, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report describing fully and completely such alternate procedures, including associated costs, and presenting his views and recommendations with respect to such procedures."

AMERICAN INSTITUTE IN TAIWAN

Employees of the American Institute in Taiwan authorized to assist and protect interests of United States persons by performing acts such as are authorized to be performed outside the United States for consular purposes by this section, see section 1-201 of Ex. Ord. No. 12143, June 22, 1979, 44 F.R. 37191, set out as a note under section 3301 of this title.

§§ 1176, 1177

AMERICAN INSTITUTE IN TAIWAN

Employees of the American Institute in Taiwan authorized to assist and protect interests of United States persons by performing acts such as are authorized to be performed outside the United States for consular purposes by these sections, see section 1-201 of Ex. Ord. No. 12143, June 22, 1979, 44 F.R. 37191, set out as a note under section 3301 of this title.

§ 1185. Retention of papers of American vessels until payment of demands and wages

AMERICAN INSTITUTE IN TAIWAN

Employees of the American Institute in Taiwan authorized to assist and protect interests of United States persons by performing acts such as are authorized to be performed outside the United States for consular purposes by this section, see section 1-201 of Ex. Ord. No. 12143, June 22, 1979, 44 F.R. 37191, set out as a note under section 3301 of this title.

§ 1195. Notarial acts, oaths, affirmations, affidavits, and depositions; fees

AMERICAN INSTITUTE IN TAIWAN

Employees of the American Institute in Taiwan authorized to assist and protect interests of United States persons by performing acts such as are authorized to be performed outside the United States for consular purposes by this section, see section 1-201 of Ex. Ord. No. 12143, June 22, 1979, 44 F.R. 37191, set out as a note under section 3301 of this title.

§ 1199. Repealed. Pub. L. 95–105, title I, § 111(a)(1), Aug. 17, 1977, 91 Stat. 848

Section, R.S. §§ 1735, 1736; acts Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100; June 6, 1972, Pub. L. 92-310, title II, § 227(a), 86 Stat. 207, related to the liability of consular officers for neglect of duty or for malfeasance.

PENDING ACTIONS

Section 111(b) of Pub. L. 95–105 provided that: "The repeals made by subsection (a) [repealing this section] shall not affect suits commenced before the date of enactment of this Act [Aug. 17, 1977]."

CHAPTER 14A—FOREIGN SERVICE INFORMATION OFFICERS CORPS

§ 1221. Establishment

There is established a category of officers of the International Communication Agency (hereinafter referred to as "the Agency") to be known as Foreign Service information officers.

(As amended Pub. L. 95–426, title II, § 204(b)(1), Oct. 7, 1978, 92 Stat. 973.)

AMENDMENTS

1978—Pub. L. 95–426 substituted "International Communication Agency" for "United States Information Agency".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5541.

§ 1222. Congressional statement of policy

It is the sense of the Congress that the establishment of a permanent career service for officers of the Agency who serve our country throughout the world in a vital function of the foreign relations of the United States is essential to enable the Director of the International Communication Agency (hereinafter referred to as "the Director") to carry out effectively such functions and responsibilities assigned to the Agency.

(As amended Pub. L. 95–426, title II, § 204(b)(1), Oct. 7, 1978, 92 Stat. 973.)

AMENDMENTS

1978—Pub. L. 95–426 substituted "International Communication Agency" for "United States Information Agency".

§ 1223. Congressional statement of purpose

TRANSFER OF FUNCTIONS

All functions vested in the Director of the United States Information Agency under sections 1123 to 1231 of this title were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(3), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1224. Authority of the Director of the International Communication Agency

Foreign Service information officers, Foreign Service Reserve officers, Foreign Service staff officers and employees, and alien clerks and employees of the Agency shall be under the direction and authority of the Director. Authority available to the Secretary of State with respect to Foreign Service officers, Foreign Service Reserve officers, Foreign Service staff officers and employees, or alien clerks and employees of the Department of State shall be available on the same basis to the Director with respect to Foreign Service information officers, Foreign Service Reserve officers, Foreign Service staff officers and employees, and alien clerks and employees of the Agency, except as provided in section 1231 of this title.

(As amended Pub. L. 95–426, title II, § 204(b)(2), Oct. 7, 1978, 92 Stat. 973.)

AMENDMENTS

1978—Pub. L. 95–426 added the reference to Foreign Service Reserve officers, Foreign Service staff officers and employees, and alien clerks and employees wherever appearing.

TRANSFER OF FUNCTIONS

All functions vested in the Director of the United States Information Agency under sections 1123 to 1231 of this title were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(3), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1225. Personnel system; policies and regulations

TRANSFER OF FUNCTIONS

All functions vested in the Director of the United States Information Agency under sections 1123 to 1231 of this title were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(3), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1226. Appointment and assignment

TRANSFER OF FUNCTIONS

All functions vested in the Director of the United States Information Agency under sections 1123 to 1231 of this title were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(3), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1230 of this title.

§ 1227. Promotion

TRANSFER OF FUNCTIONS

All functions vested in the Director of the United States Information Agency under sections 1123 to 1231 of this title were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(3), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1230 of this title.

§ 1228. Separation and retirement

TRANSFER OF FUNCTIONS

All functions vested in the Director of the United States Information Agency under sections 1123 to 1231 of this title were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(3), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1230 of this title.

§ 1229. Foreign Service retirement and disability system

TRANSFER OF FUNCTIONS

All functions vested in the Director of the United States Information Agency under sections 1123 to 1231 of this title were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(3), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 930, 1230 of this title.

§ 1230. Applicability of other laws

All provisions of the Foreign Service Act of 1946 [22 U.S.C. 801 et seq.] or of any other law, which apply to Foreign Service officers, Foreign Service Reserve officers, Foreign Service staff officers and employees, or alien clerks and employees of the Department of State and which are not referred to in sections 1226 to 1229 of this title, shall be applicable to Foreign Service information officers, Foreign Service Reserve officers, Foreign Service staff officers and employees, or alien clerks and employees, as the case may be, of the Agency.

(As amended Pub. L. 95-426, title II, § 204(b)(3), Oct. 7, 1978, 92 Stat. 974.)

AMENDMENTS

1978—Pub. L. 95-426 added the reference to Foreign Service Reserve officers, Foreign Service staff officers and employees, or alien clerks and employees, wherever appearing, and substituted "referred to in section 1226 to 1229 of this title" for "referred to above".

TRANSFER OF FUNCTIONS

All functions vested in the Director of the United States Information Agency under sections 1123 to 1231 of this title were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(3), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1231. Commissioning and assignment as diplomatic and consular officers

(a) The Secretary of State may, upon request of the Director, recommend to the President that Foreign Service information officers or Foreign Service Reserve officers of the Agency be commissioned as diplomatic or consular officers, or both, in accordance with section 907 or 924 of this title.

(b) The Secretary of State may, upon request of the Director, assign Foreign Service information officers or Foreign Service Reserve officers of the Agency, commissioned as diplomatic or consular officers, to serve under such commissions in accordance with sections 907 and 909 or 924 of this title.

(As amended Pub. L. 95-426, title II, § 204(b)(4), Oct. 7, 1978, 92 Stat. 974.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-426 added "or Foreign Service Reserve officers of the Agency" following "information officers" and added the reference to section 924 of this title.

Subsec. (b). Pub. L. 95-426 added "or Foreign Service Reserve officers of the Agency" and the reference to section 924 of this title.

TRANSFER OF FUNCTIONS

All functions vested in the Director of the United States Information Agency under sections 1123 to 1231 of this title were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(3), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1232. Definitions

For the purposes of this chapter the term "Foreign Service officer" when used in the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.], or in any other provision of law shall be construed to mean "Foreign Service information officer" and the term "Secretary of State" when used with respect to authorities applicable to Foreign Service officers shall be construed to mean the Director of the International Communication Agency with respect to Foreign Service information officers.

(As amended Pub. L. 95-426, title II, § 204(b)(1), Oct. 7, 1978, 92 Stat. 973.)

AMENDMENTS

1978—Pub. L. 95-426 substituted "International Communication Agency" for "United States Information Agency".

§§ 1233, 1234

TRANSFER OF FUNCTIONS

All functions vested in the Director of the United States Information Agency under sections 1233 and 1234 of this title were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(3), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

CHAPTER 15—THE REPUBLIC OF THE PHILIPPINES

SUBCHAPTER V—PROPERTY RETAINED BY THE UNITED STATES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 40 section 474; title 50 App. section 39.

CHAPTER 18—UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE PROGRAMS

SUBCHAPTER V—DISSEMINATION ABROAD OF INFORMATION ABOUT THE UNITED STATES

Sec.
1461-1. Mission of International Communication Agency [New].

SUBCHAPTER VI—ADVISORY COMMISSIONS TO FORMULATE POLICIES

1469. United States Advisory Commission on Public Diplomacy [New].
(a) Change in name of United States Advisory Commission on International Communication, Cultural and Educational Affairs.
(b) Staff Director and staff personnel: appointment; temporary and intermittent personnel: compensation.

SUBCHAPTER VII—ADMINISTRATIVE PROCEDURE

1475b. Seal of International Communication Agency; judicial notice [New].

SUBCHAPTER VIII—APPROPRIATIONS AND OTHER FUNDS

1477b. Nondiscretionary personnel costs and currency fluctuations [New].
(a) Availability of appropriations until expended.
(b) Additional appropriations.
(c) Appropriations authorization based on currency fluctuations of preceding fiscal year.

SUBCHAPTER I—GENERAL PROVISIONS

§§ 1431, 1432

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title.

§ 1433. Definitions

When used in this chapter, the term—

(1) "Director" means the Director of the International Communication Agency.

(2) "Agency" means the International Communication Agency.

[*See main edition for text of* (3)]

(As amended 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637.)

TRANSFER OF FUNCTIONS

Provision defining the term "Director", as used in this chapter, meaning the Director of the International Communication Agency, was substituted in par. (1) for provision defining the term "Secretary", as used in this chapter, meaning the Secretary of State, pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, and the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title. The Director of the International Communication Agency was authorized by section 5 of Reorg. Plan No. 2 of 1977 to delegate the performance of any such transferred functions to any officer, employee, or unit of the International Communication Agency. Accordingly, provision defining the term "agency" as used in this chapter, meaning the International Communication Agency, was also substituted in par. (2), for provision defining the term "Department", as used in this chapter, meaning the Department of State.

§ 1434. Repealed. Pub. L. 96–60, title II, § 203(a)(1), Aug. 15, 1979, 93 Stat. 398

Section, acts Jan. 27, 1948, ch. 36, title X, § 1001, 62 Stat. 13; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783, provided for loyalty check of personnel. Pub. L. 87–256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538, previously repealed this section insofar as it related to persons employed or assigned to duties under the Mutual Educational and Cultural Exchange Act of 1961.

EFFECTIVE DATE OF REPEAL

Section repealed effective Oct. 1, 1979, see section 209 of Pub. L. 96–60, set out as an Effective Date note under section 1469 of this title.

§ 1435. Delegation of authority by Director

The Director may delegate, to such officers of the Government as the Director determines to be appropriate, any of the powers conferred upon him by this chapter to the extent that he finds such delegation to be in the interest of the purposes expressed in this chapter and the efficient administration of the programs undertaken pursuant to this chapter.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456 and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1436. Restriction on disclosure of information

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title.

§ 1437. Utilization of private agencies

In carrying out the provisions of this chapter it shall be the duty of the Director to utilize, to the maximum extent practicable, the services and facilities of private agencies, including existing American press, publishing, radio, motion picture, and other agencies, through contractual arrangements or otherwise. It is the intent of Congress that the Director shall encourage participation in carrying out the purposes of this chapter by the maximum number of different private agencies in each field consistent with the present or potential market for their services in each country.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1438. Veterans' preference

REFERENCES IN TEXT

Section 3306 of title 5, referred to in text, was repealed by Pub. L. 95-228, § 1, Feb. 10, 1978, 92 Stat. 25.

Section 3319 of title 5, referred to in text, was repealed by 95-454, title III, § 307(h)(1), Oct. 13, 1978, 92 Stat. 1149.

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title.

§ 1439. Reports to Congress

The Director shall submit to the Congress annual reports of expenditures made and activities carried on under authority of this chapter, including appraisals and measurements, where feasible, as to the effectiveness of the several programs in each country where conducted.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1440. Regulation of similar type international activities of State Department

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title.

§ 1442. Informational media guaranties

(a) Authorization to make

The Director of the International Communication Agency may make guaranties, in accordance with the provisions of subsection (b) of section 1933 of this title, of investments in enterprises producing or distributing informational media consistent with the national interests of the United States: *Provided*, That the purpose of making informational media guaranties shall be the achievement of the foreign policy objectives of the United States, including the objective mentioned in sections 1933(b)(4)(A) and 1933(b)(4)(G) of this title.

[*See main edition for text of* (b) *to* (h)]

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director of the International Communication Agency" was substituted for "Director of the United States Information Agency" in subsec. (a) pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, and the Director thereof, under this chapter, to the Director of the International Communication Agency except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title.

SUBCHAPTER II—INTERCHANGE OF PERSONS, KNOWLEDGE, AND SKILLS BETWEEN UNITED STATES AND FOREIGN COUNTRIES

§ 1447. Books and materials

The Director is authorized to provide for interchanges between the United States and other countries of books and periodicals, including government publications, for the translation of such writings, and for the preparation, distribution, and interchange of other educational materials.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461,

91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456 and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1448. Assistance to certain institutions abroad founded or sponsored by United States citizens

The Director is authorized to provide for assistance to schools, libraries, and community centers abroad, founded or sponsored by citizens of the United States, and serving as demonstration centers for methods and practices employed in the United States. In assisting any such schools, however, the Director shall exercise no control over their educational policies and shall in no case furnish assistance of any character which is not in keeping with the free democratic principles and the established foreign policy of the United States.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

SUBCHAPTER III—ASSIGNMENT OF SPECIALISTS

§ 1451. Assignment of Government employees to requesting countries; governing regulations

The Director is authorized, when the government of another country is desirous of obtaining the services of a person having special scientific or other technical or professional qualifications, from time to time to assign or authorize the assignment for service, to or in cooperation with such government, any citizen of the United States in the employ or service of the Government of the United States who has such qualifications, with the approval of the Government agency in which such person is employed or serving. No person shall be assigned for service to or in cooperation with the government of any country unless (1) the Director finds that such assignment is necessary in the national interest of the United States, or (2) such government agrees to reimburse the United States in an amount equal to the compensation, travel expenses, and allowances payable to such person during the period of such assignment in accordance with the provisions of section 1452 of this title, or (3) such government shall have made an advance of funds, property, or services as provided in section 1479 of this title. Nothing in this chapter, however, shall authorize the assignment of such personnel for service relating to the organization, training, operation, development, or combat equipment of the armed forces of a foreign government.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1452. Status and allowances of assigned personnel

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title.

§ 1453. Acceptance of office under foreign governments of assigned personnel; oath of allegiance

Any citizen of the United States while assigned for service to or in cooperation with another government under authority of this chapter may, at the discretion of his Government agency, with the concurrence of the Director, and without additional compensation therefor, accept an office under the government to which he is assigned, if the acceptance of such an office in the opinion of such agency is necessary to permit the effective performance of duties for which he is assigned, including the making or approving on behalf of such foreign government the disbursement of funds provided by such government or of receiving from such foreign government funds for deposit and disbursement on behalf of such government, in carrying out programs undertaken pursuant to this chapter: *Provided, however,* That such acceptance of office shall in no case involve the taking of an oath of allegiance to another government.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

SUBCHAPTER IV—PARTICIPATION BY GOVERNMENT AGENCIES

§ 1456. Utilization of facilities and personnel of other Government agencies; reimbursement to agencies; report to Congress

The Director is authorized, in carrying on any activity under the authority of this chapter, to utilize, with the approval of the President, the services, facilities, and personnel of the other Government agencies. Whenever the Director shall use the services, facilities, or personnel of any Government agency for activities under authority of this chapter, the Director shall pay for such performance out of funds available to the Director under this chapter, either in advance, by reimbursement, or direct transfer. The Director shall include in each report submitted to the Congress under section 1439 of this title a statement of the services, facilities, and personnel of other Government agencies utilized in carrying on activities under the authority of this chapter, showing the names and salaries of the personnel utilized, or performing services utilized, during the period covered by such report, and the amounts paid to such other agencies under this section as payment for such performance.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1457. Rendition of technical and other services to foreign governments; limitations

A Government agency, at the request of the Director, may perform such technical or other services as such agency may be competent to render for the government of another country desirous of obtaining such services, upon terms and conditions which are satisfactory to the Director and to the head of the Government agency, when it is determined by the Director that such services will contribute to the purposes of this chapter. However, nothing in this chapter shall authorize the performance of services relating to the organization, training, operation, development, or combat equipment of the armed forces of a foreign government.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1458. Policy governing rendition of services

In authorizing the performance of technical and other services under this subchapter, it is the sense of the Congress (1) that the Director shall encourage through any appropriate Government agency the performance of such services to foreign governments by qualified private American individuals and agencies, and shall not enter into the performance of such services to any foreign government where such services may be performed adequately by qualified private American individuals and agencies and such qualified individuals and agencies are available for the performance of such services; (2) that if such services are rendered by a Government agency, they shall demonstrate the technical accomplishments of the United States, such services being of an advisory, investigative, or instructional nature, or a demonstration of a technical process; (3) that such services shall not include the construction of public works or the supervision of the construction of public works, and that, under authority of this chapter, a Government agency shall render engineering services related to public works only when the Director shall determine that the national interest demands the rendering of such services by a Government agency, but this policy shall not be interpreted to preclude the assignment of individual specialists as advisers to other governments as provided under subchapter III of this chapter, together with such incidental assistance as may be necessary for the accomplishment of their individual assignments.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

SUBCHAPTER V—DISSEMINATION ABROAD OF INFORMATION ABOUT THE UNITED STATES

§ 1461. General authorization

The Director is authorized, when he finds it appropriate, to provide for the preparation, and dissemination abroad, of information about the United States, its people, and its policies, through press, publications, radio, motion pictures, and other information media, and through information centers and instructors abroad. Any such information (other than

"Problems of Communism" and the "English Teaching Forum" which may be sold by the Government Printing Office) shall not be disseminated within the United States, its territories, or possessions, but, on request, shall be available in the English language at the agency, at all reasonable times following its release as information abroad, for examination only by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and by research students and scholars, and, on request, shall be made available for examination only to Members of Congress.

(As amended 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637; Aug. 15, 1979, Pub. L. 96-60, title II, § 208, 93 Stat. 401.)

AMENDMENTS

1979—Pub. L. 96-60 substituted in parenthetical clause "'Problems of Communism' and the 'English Teaching Forum' which may be sold" for "'Problems of Communism' which may continue to be sold".

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out below, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President. The Director was authorized by section 5 of Reorg. Plan No. 2 of 1977 to delegate the performance of any such transferred functions to any officer, employee, or unit of the International Communication Agency. Accordingly, "agency" was substituted for "Department of State".

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Director of the United States Information Agency, see Parts 1, 28A, and 30 of Ex. Ord. No. 11490, Oct. 28, 1969, 34 F.R. 17567, set out as a note under section 2251 of Title 50, Appendix, War and National Defense.

REORGANIZATION PLAN NO. 8 OF 1953

Eff. Aug. 1, 1953, 18 F.R. 4542, 67 Stat. 642

* * * * *

UNITED STATES INFORMATION AGENCY

§ 1. ESTABLISHMENT OF AGENCY

[Superseded. Reorg. Plan No. 2 of 1977, § 9(b), eff. Oct. 11, 1977, 42 F.R. 62461, 91 Stat. 1639, set out as a note below. Section was amended by act June 28, 1955, ch. 189, § 12(c)(21), 69 Stat. 183 and related to the establishment of the United States Information Agency.]

§ 2. TRANSFER OF FUNCTIONS

(a) Subject to subsection (c) of this section, there are hereby transferred to the Director (1) the functions vested in the Secretary of State by title V of the United States Information and Educational Exchange Act of 1948, as amended [sections 1461 and 1462 of this title], and so much of functions with respect to the interchange of books and periodicals and aid to libraries and community centers under sections 202 and 203 of the said Act [sections 1447 and 1448 of this title] as is an integral part of information programs under that Act [sections 1431 to 1479 of this title], together with so much of the functions vested in the Secretary of State by other provisions of the said Act [sections 1431 to 1479 of this title] as is incidental to or is necessary for the performance of the functions under title V [sections 1461 and 1462 of this title] and sections 202 and 203 [sections 1447 and 1448 of this title] transferred by this section, and (2) [Superseded. Reorg. Plan No. 2 of 1977, § 9(b), eff. Oct. 11, 1977, 42 F.R. 62461, 91 Stat. 1639. Paragraph related to functions of the Secretary of State with respect to information programs relating to Germany and Austria.]

(b) [Superseded. Reorg. Plan No. 2 of 1977, § 9(b), eff. Oct. 11, 1977, 42 F.R. 62461, 91 Stat. 1639. Subsection related to the transfer to the Director of functions vested in the Director for Mutual Security by the Mutual Security Act of 1951, as amended, act Oct. 10, 1951, ch. 479, 65 Stat. 373, which related to foreign information programs, as formerly provided for in section 1652 of this title.]

(c)(1) The Secretary of State shall direct the policy and control the content of a program, for use abroad, on official United States positions, including interpretations of current events, identified as official positions by an exclusive descriptive label.

[*See main edition for text of par. (2)*]

(3) [Superseded. Reorg. Plan No. 2 of 1977, § 9(b), 42 F.R. 62461, 91 Stat. 1639. Paragraph provided that nothing in subsec. (c) of this section was to affect the functions of the Secretary of State with respect to conducting negotiations with other governments.]

[*See main edition for text of (d)*]

§ 3. PERFORMANCE OF TRANSFERRED FUNCTIONS

[Superseded. Reorg. Plan No. 2 of 1977, § 9(b), 42 F.R. 62461, 91 Stat. 1639. Section related to the performance of transferred functions.]

§ 4. INCIDENTAL TRANSFERS

[Superseded. Reorg. Plan No. 2 of 1977, § 9(b), 42 F.R. 62461, 91 Stat. 1639. Section related to incidental transfers.]

§ 5. INTERIM PROVISIONS

[Superseded. Reorg. Plan No. 2 of 1977, § 9(b), 42 F.R. 62461, 91 Stat. 1639. Section related to interim provisions.]

TRANSFER OF FUNCTIONS

All functions vested in the Director of the United States Information Agency under section 2(a)(1) of Reorg. Plan No. 8 of 1953, set out above, were transferred to the Director of the International Communication Agency by section 7(a)(9) of Reorg. Plan No. 2 of 1977, set out below, effective on or before July 1, 1978, at such time as specified by the President.

REORGANIZATION PLAN NO. 2 OF 1977

42 F.R. 62461, 91 Stat. 1636

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, October 11, 1977,[1] pursuant to the provisions of chapter 9 of title 5 of the United States Code.[2]

INTERNATIONAL COMMUNICATION AGENCY

SECTION 1. ESTABLISHMENT OF THE INTERNATIONAL COMMUNICATION AGENCY

There is hereby established in the executive branch an agency to be known as the International Communication Agency (the "Agency").

[1] Actually transmitted October 12, 1977.

[2] As amended November 1, 1977, and November 3, 1977.

SEC. 2. DIRECTOR

The Agency shall be headed by a Director (the "Director"), who shall serve as the principal advisor to the President, the National Security Council, and the Secretary of State on the functions vested in the Director. The Director shall report to the President and the Secretary of State. Under the direction of the Secretary of State, the Director shall have primary responsibility within the Government for the exercise of the functions vested in the Director. The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to receive compensation at the rate now or hereafter prescribed by law for Level II of the Executive Schedule [5 U.S.C. 5313].

SEC. 3. DEPUTY DIRECTOR

A Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall act for, and exercise the powers of, the Director during the Director's absence or disability or during a vacancy in said office and, in addition, shall perform such duties and exercise such powers as the Director may from time to time prescribe. The Deputy Director shall be entitled to receive compensation at the rate now or hereafter prescribed by law for Level III of the Executive Schedule [5 U.S.C. 5314].

SEC. 4. ASSOCIATE DIRECTORS

The President, by and with the advice and consent of the Senate, may appoint four Associate Directors, who shall perform such duties and exercise such powers as the Director may from time to time prescribe. One Associate Director shall be known as the Associate Director for Educational and Cultural Affairs and one Associate Director shall be known as the Associate Director for Broadcasting. Each Associate Director shall be entitled to receive compensation at the rate now or hereafter prescribed by law for Level IV of the Executive Schedule [5 U.S.C. 5315].

SEC. 5. PERFORMANCE OF FUNCTIONS

The Director may establish within the Agency bureaus, offices, divisions and other units. The Director may from time to time make provision for the performance of any function of the Director by any officer, employee or unit of the Agency.

SEC. 6. NEGOTIATIONS

(a) Under the direction of the Secretary of State, the Director shall prepare for, manage and conduct negotiations with representatives of foreign states or international organizations on matters for which responsibility is vested in the Director or in the Agency.

(b) For the purpose of conducting such negotiations, or for the purpose of exercising any other authority vested in the Director or in the Agency, the Director may

(1) consult and communicate with or direct the consultation and communication with representatives of other nations or of international organizations; and

(2) communicate in the name of the Secretary of State with diplomatic representatives of the United States in this country and abroad.

SEC. 7. TRANSFER OF FUNCTIONS

(a) There are hereby transferred to the Director all functions vested in the President, the Secretary of State, the Department of State, the Director of the United States Information Agency, and the United States Information Agency pursuant to the following:

(1) the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431-1479), except to the extent that any function in sections 302, 401, or 602 [sections 1452, 1456, or 1467 of this title] is vested in the President;

(2) the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451-2458a), except for: (A) such functions as are vested by sections 102(b)(6), 102(b)(10), 104(a), 104(e)(1), 104(e)(2), 104(f), 104(g), 105(a), 105(b), 105(c), 106(a), 108 [sections 2452(b)(6), (b)(10), 2454(a), (e)(1), (2), (f), (g), 2455(a), (b), (c), 2456(a), 2458 of this title]; (B) to the extent that such functions were assigned to the Secretary of Health, Education and Welfare immediately prior to the effective date of this Reorganization Plan, sections 104(b), 105(d)(2), 105(f), 106(d), and 106(f) [sections 2454(b), 2455(d)(2), (f), 2456(d), (f) of this title]; and (C) to the extent that any function therein is vested in the President or the Secretary of State, sections 106(b) and 106(c) [section 2456(b), (c) of this title].

(3) Public Law 90-494 (22 U.S.C. 929-932, 1221-1234), to the extent that such functions are vested in the Director of the United States Information Agency;

(4) Sections 522(3), 692(1), and 803(a)(4) of the Foreign Service Act of 1946, as amended (22 U.S.C. 922(3), 1037a(1), and 1063(a)(4)), to the extent such functions are vested in the Director of the United States Information Agency or in the United States Information Agency.

(5) Section 4 of the United States Information Agency Appropriations Authorization Act of 1973, Public Law 93-168 [Nov. 29, 1973, 87 Stat. 689];

(6)(A) Sections 107(b), 204 and 205 of the Foreign Relations Authorization Act, Fiscal Year 1978, Public Law 95-105, 91 Stat. 844 [Aug. 17, 1977]; and (B) to the extent such functions are vested in the Director of the United States Information Agency, section 203 of the Act;

(7) The Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054-2057);

(8) Sections 101(a)(15)(J) and 212(e) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J), 1182(e));

(9) Section 2(a)(1) of Reorganization Plan No. 8 of 1953 (22 U.S.C. 1461 note);

(10) Section 3(a) of the Arts and Artifacts Indemnity Act (20 U.S.C. 972(a));

(11) Section 7 of the Act of June 15, 1951, c. 138, 65 Stat. 71 (50 U.S.C. App. 2316);

(12) Section 9(b) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 958(b)), to the extent that such functions are vested in the Secretary of State;

(13) Section 112(a) of the Higher Education Act of 1965 (20 U.S.C. 1009(a)), to the extent such functions are vested in the Department of State;

(14) Section 3(b)(1) of the Woodrow Wilson Memorial Act of 1968 (20 U.S.C. 80f(b)(1));

(15) Section 201 of Public Law 89-665, as amended by section 201(5) of Public Law 94-422 (16 U.S.C. 470l(a)(9));

(16) The third proviso in the twenty-third unnumbered paragraph of title V of Public Law 95-86 (headed "UNITED STATES INFORMATION AGENCY, SALARIES AND EXPENSES"), 91 Stat. 440-41 [Aug. 2, 1977];

(17) The twentieth unnumbered paragraph of title I of Public Law 95-86 (headed "CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST"), 91 Stat. 424;

(18) Sections 4(d)(1)(F), 4(f)(1)(F), 4(g)(1)(F), and 4(h)(1)(F) of the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 295(d)(1)(F), 295(f)(1)(F), 295(g)(1)(F), and 295(h)(1)(F)); and

(19) Sections 1, 2, and 3 of the Act of July 9, 1949, c. 301, 63 Stat. 408 (22 U.S.C. 2681-2683).

(b) There are hereby transferred to the Director all functions vested in the Assistant Secretary of State for Public Affairs pursuant to Section 2(a) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)).

(c) The Director shall insure that the scholarly integrity and nonpolitical character of educational and cultural exchange activities vested in the Director are maintained.

SEC. 8. ESTABLISHMENT OF THE UNITED STATES ADVISORY COMMISSION ON INTERNATIONAL COMMUNICATION, CULTURAL, AND EDUCATIONAL AFFAIRS

(a) There is hereby established an advisory commission, to be known as the United States Advisory Commission on International Communication, Cultural and Educational Affairs (the "Commission") [now the United States Advisory Commission on Public Diplomacy]. The Commission shall consist of seven members who shall be appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor and business and professional backgrounds. Not more than four members shall be from any one political party. The term of each member shall be three years except that of the original seven appointments, two shall be for a term of one year and two shall be for a term of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of a member's term of office, such member may continue to serve until a successor is appointed and has qualified. The President shall designate a member to chair the Commission.

(b) The functions now vested in the United States Advisory Commission on Information and in the United States Advisory Commission on International Educational and Cultural Affairs under sections 601 through 603 and 801(6) of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1466–1468, 1471(6)), and under sections 106(b) and 107 of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2456(b), 2457), respectively, are hereby consolidated and vested in the Commission, as follows:

The Commission shall formulate and recommend to the Director, the Secretary of State, and the President policies and programs to carry out the functions vested in the Director or the Agency, and shall appraise the effectiveness of policies and programs of the Agency. The Commission shall submit to the Congress, the President, the Secretary of State and the Director annual reports on programs and activities carried on by the Agency, including appraisals, where feasible, as to the effectiveness of the several programs. The Commission shall also include in such reports such recommendations as shall have been made by the Commission to the Director for effectuating the purposes of the Agency, and the action taken to carry out such recommendations. The Commission may also submit such other reports to the Congress as it deems appropriate, and shall make reports to the public in the United States and abroad to develop a better understanding of and support for the programs conducted by the Agency. The Commission's reports to the Congress shall include assessments of the degree to which the scholarly integrity and nonpolitical character of the educational and cultural exchange activities vested in the Director have been maintained, and assessments of the attitudes of foreign scholars and governments regarding such activities.

(c) The Commission shall have no authority with respect to the Board of Foreign Scholarships or the United States National Commission for UNESCO.

SEC. 9. ABOLITIONS AND SUPERSESSIONS

(a) The following are hereby abolished:

(1) The United States Information Agency, including the offices of Director, Deputy Director, Deputy Director (Policy and Plans) (5 U.S.C. 5316(67)), Associate Director (Policy and Plans) (5 U.S.C. 5316(103)), and additional offices created by section 1(d) of Reorganization Plan No. 8 of 1953 (22 U.S.C. 1461 note), of the United States Information Agency, provided that, pending the initial appointment of the Director, Deputy Director and Associate Directors of the Agency their functions shall be performed temporarily, but not for a period in excess of sixty (60) days, by such officers of the Department of State or of the United States Information Agency as the President shall designate;

(2) One of the offices of Assistant Secretary of State provided for in section 1 of the Act of May 26, 1949, c. 143, 63 Stat. 111, as amended (22 U.S.C. 2652), and in section 5315(22) of title 5 of the United States Code;

(3) The United States Advisory Commission on International Educational and Cultural Affairs (22 U.S.C. 2456(b));

(4) The United States Advisory Commission on Information (22 U.S.C. 1466–1468);

(5) All functions vested in or related to the United States Advisory Commission on International Educational and Cultural Affairs and the United States Advisory Commission on Information that are not transferred to the Director by section 7 or consolidated in the Commission by section 8 of this Reorganization Plan;

(6) The Advisory Committee on the Arts, all functions thereof, and all functions relating thereto (22 U.S.C. 2456(c)); and

(7) The functions vested in the Secretary of State by section 3(e) of the Act of August 1, 1956, c. 841, 70 Stat. 890 (22 U.S.C. 2670(e)).

(b) Sections 1, 2(a)(2), 2(b), 2(c)(3), 3, 4, and 5 of Reorganization Plan No. 8 of 1953 (22 U.S.C. 1461 note) are hereby superseded.

SEC. 10. OTHER TRANSFERS

So much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the functions transferred or consolidated by this Reorganization Plan, as the Director of the Office of Management and Budget shall determine, shall be transferred to the appropriate department, agency, or commission at such time or times as the Director of the Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made. The Director of the Office of Management and Budget shall provide for terminating the affairs of all agencies, commissions, and offices abolished herein and for such further measures and dispositions as such Director deems necessary to effectuate the purposes of this Reorganization Plan.

SEC. 11. EFFECTIVE DATE

This Reorganization Plan shall become effective at such time or times, on or before July 1, 1978, as the President shall specify, but not sooner than the earliest time allowable under section 906 of title 5 of the United States Code.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 2 of 1977 to consolidate certain international communication, educational and cultural, and broadcasting activities of the United States Government. I am acting under the authority vested in me by the Reorganization Act, chapter 9 of title 5 of the United States Code. I am also acting pursuant to section 501 of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95–105), which provides that my recommendations for reorganizing these activities be transmitted by October 31, 1977.

This reorganization will consolidate into a new agency, to be known as the Agency for International Communication, the functions now exercised by the State Department's Bureau of Educational and Cultural Affairs and the United States Information Agency.

The principal aspects of this proposal are:

—The new agency will take over USIA's international communications programs (including the Voice

of America) and the international educational and cultural exchange activities now conducted by the Bureau of Educational and Cultural Affairs.

—The agency's Director will be the principal advisor on international information and exchange activities to the President, the National Security Council, and the Secretary of State. Under the direction of the Secretary of State, the Director will have primary responsibility within the Government for the conduct of such activities. The Director, the Deputy Director and the Associate Directors of the new agency will be confirmed by the Senate.

—The two commissions that now advise USIA and the Bureau of Educational and Cultural Affairs will be combined into a single seven-member commission. Members of this nonpartisan commission will be chosen from fields related to the agency's mission. The commissioners will be appointed by the President and confirmed by the Senate.

The purpose of this reorganization is to broaden our informational, educational and cultural intercourse with the world, since this is the major means by which our government can inform others about our country, and inform ourselves about the rest of the world.

The new Agency for International Communication will play a central role in building these two-way bridges of understanding between our people and the other peoples of the world. Only by knowing and understanding each other's experiences can we find common ground on which we can examine and resolve our differences.

The new agency will have two distinct but related goals:

To tell the world about our society and policies—in particular our commitment to cultural diversity and individual liberty.

To tell ourselves about the world, so as to enrich our own culture as well as to give us the understanding to deal effectively with problems among nations.

As the world becomes more and more interdependent, such mutual understanding becomes increasingly vital. The aim of this reorganization, therefore, is a more effective dialogue among peoples of the earth. Americans—mostly immigrants or the descendants of immigrants—are particularly well suited to enter into such an undertaking. We have already learned much from those who have brought differing values, perspectives and experiences to our shores. And we must continue to learn.

Thus the new agency will lay heavy emphasis on listening to others, so as to learn something of their motivations and aspirations, their histories and cultures.

Several principles guided me in shaping this reorganization plan. Among the most important were:

—Maintaining the integrity of the educational and cultural exchange programs is imperative. To this end, the plan retains the Board of Foreign Scholarships, whose strong leadership has done so much to insure the high quality of the educational exchange program. In addition, I intend to nominate an Associate Director who will be responsible for the administration and supervision of educational and cultural functions consolidated in the new Agency. The responsibilities presently exercised by the Department of State in relation to the Center for Technical and Cultural Interchange Between East and West, Inc., will be transferred to the new agency without alteration.

—Keeping the Voice of America's news gathering and reporting functions independent and objective. The Voice's charter, enacted into law in 1976, provides that "VOA news will be accurate, objective, and comprehensive"; that VOA will "present a balanced and comprehensive projection of significant American thought and institutions"; and that VOA will present U.S. policies "clearly and effectively, and will also present responsible discussion and opinion on these policies." Under this Administration, VOA will be solely responsible for the content of news broadcasts—for there is no more valued coin than candor in the international marketplace of ideas. I also plan to nominate an Associate Director who will be responsible for the administration and supervision of the Voice of America.

—The new agency's activities must be straightforward, open, candid, balanced, and representative. They will not be given over to the advancement of the views of any one group, any one party or any one Administration. The agency must not operate in a covert, manipulative, or propagandistic way.

—Rights of U.S. Information Agency and State Department employees must be respected. In the new agency, their career achievements will be recognized and the best possible use made of their professional skills and abilities.

The Director of the new agency will assess and advise on the impact on worldwide public opinion of American foreign policy decisions. The Agency will coordinate the international information, educational, cultural and exchange programs conducted by the U.S. Government and will be a governmental focal point for private U.S. international exchange programs. It will also play a leading role within the U.S. Government in our efforts to remove barriers to the international exchange of ideas and information.

It is not practicable to specify all of the expenditure reductions and other economies that will result from the proposed reorganization, and therefore I do not do so. The reorganization will result in greater efficiency by unifying in Washington the management of programs which are already administered in a consolidated manner in the field. For example, field officers will no longer report to two separate sets of supervisors and headquarters at home.

This plan abolishes the functions of the Advisory Committee on the Arts authorized by section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2456(c)). Also abolished, as a result of the consolidation of certain functions of the United States Advisory Commission on Information and the United States Advisory Commission on International Educational and Cultural Affairs in the United States Advisory Commission on International Communication, Cultural and Educational Affairs, are the functions authorized by section 603 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1468) (requiring submission by the United States Advisory Commission on Information of a quarterly report to the Director of USIA and a semiannual report to the Congress). The new commission will report annually and at such other times as it deems appropriate (as does the existing Advisory Commission on International Educational and Cultural Affairs). Since appointments of all members of the new commission will be on a nonpartisan basis, as has been the case with the Advisory Commission on International Educational and Cultural Affairs, the requirement of section 602(a) of the U.S. Information and Educational Exchange Act (22 U.S.C. 1467(a)) that not more than three members of the Advisory Commission on Information shall be of the same political party is abolished.

Various obsolete or superseded functions under Reorganization Plan No. 8 of 1953 (22 U.S.C. 1461 note), which created the USIA, are superseded by this plan. Finally, the Plan abolishes a provision authorizing the Secretary of State to pay the expenses of transporting the bodies of participants in exchange programs who die away from home, since State no longer will conduct such programs (22 U.S.C. 2670(e)). All functions abolished by the reorganization are done so in compliance with section 903(b) of title 5 of the United States Code.

After investigation, I have found that this reorganization is necessary to carry out the policy set forth in section 901(a) of title 5 of the United States Code. The provisions in this Plan for the appointment and pay of the Director, Deputy Director, and Associate Directors of the Agency have been found by me to be necessary

by reason of the reorganization made by the plan and are at a rate applicable to comparable officers in the executive branch.

In presenting this plan, I ask the support of Congress to strengthen and simplify the machinery by which we carry out these important functions of the United States Government.

Such action will make us better able to project the great variety and vitality of American life to those abroad, and to enrich our own lives with a fuller knowledge of the vitality and variety of other societies.

The new Agency for International Communication will help us demonstrate "a decent respect for the opinions of mankind," and to deal intelligently with a world awakening to a new spirit of freedom.

JIMMY CARTER.

THE WHITE HOUSE, October 11, 1977.

CHANGE OF NAME

The United States Advisory Commission on International Communication, Cultural and Educational Affairs was redesignated the United States Advisory Commission on Public Diplomacy, by section 1469 of this title.

EX. ORD. NO. 12048. INTERNATIONAL COMMUNICATION AGENCY

Ex. Ord. No. 12048, Mar. 27, 1978, 43 F.R. 13361, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including Section 11 of Reorganization Plan No. 2 of 1977 (42 FR 62461 (December 13, 1977)) [set out in the Appendix to Title 5, Government Organization and Employees], Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, in order to provide for the establishment of the International Communication Agency, it is hereby ordered as follows:

SECTION 1. (a) Reorganization Plan No. 2 of 1977 (42 FR 62461), which establishes the International Communication Agency, except for Section 7(a)(14) thereof, is hereby effective.

(b) Section 7(a)(14) of Reorganization Plan No. 2 of 1977, relating to the Woodrow Wilson Memorial Act of 1968 [section 80e et seq. of Title 20, Education], shall be effective on July 1, 1978.

SEC. 2. The functions vested in the Secretary of State by Executive Order No. 11312 are assigned and redelegated to the Director of the International Communication Agency. All authority vested in the United States Information Agency or its Director by Executive order is reassigned and redelegated to the International Communication Agency or its Director, respectively.

SEC. 3. In order to ensure appropriate coordination among the Executive agencies, the Director of the International Communication Agency shall exercise primary responsibility for Government-wide policy guidance for international informational, educational, and cultural activities, including exchange programs. The Director shall take into account the statutory functions of the other concerned Executive agencies.

SEC. 4. The Director of the International Communication Agency, with the assistance of the Secretary of Health, Education, and Welfare, shall prepare and submit to the President the reports which the President is to transmit to the Congress pursuant to Section 108(b) of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2458).

SEC. 5. The functions vested in the President by Sections 108(c) and 108(d) of the Mutual Educational and Cultural Exchange Act of 1961, as amended [section 2458(c) and (d) of this title], are delegated to the Director of the International Communication Agency; because, (a) such a delegation is in the interest of the purposes expressed in that Act and the efficient administration of the programs undertaken pursuant thereto, (b) the Director is an appropriate official to perform those functions, and (c) those functions are not now delegated to any other officer of the Government.

SEC. 6. The Director of the International Communication Agency shall be the principal adviser to the President, the National Security Council, and the Secretary of State on international informational, educational, and cultural matters. As such, the Director shall provide advice within the policy formulation activities of the National Security Council when such matters are considered. The Director shall ensure that the senior official of the Agency at each diplomatic mission provides advice to the Chief of Mission on such matters. The scope of the Director's advice shall include assessments of the impact of actual and proposed United States foreign policy decisions on public opinion abroad.

SEC. 7. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred or reassigned, or redelegated as provided in this Order, are hereby transferred to the Director of the International Communication Agency.

SEC. 8. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions, necessary or appropriate to effectuate the transfers or reassignments provided in this Order, including the transfer of funds, records, property, and personnel.

SEC. 9. This Order shall be effective on April 1, 1978.

JIMMY CARTER.

§ 1461–1. Mission of International Communication Agency

The mission of the International Communication Agency shall be to further the national interest by improving United States relations with other countries and peoples through the broadest possible sharing of ideas, information, and educational and cultural activities. In carrying out this mission, the International Communication Agency shall, among other activities—

(1) conduct Government-sponsored information, educational, and cultural activities designed—

(A) to provide other peoples with a better understanding of the policies, values, institutions, and culture of the United States; and

(B) within the statutory limits governing domestic activities of the Agency, to enhance understanding on the part of the Government and people of the United States of the history, culture, attitudes, perceptions, and aspirations of others;

(2) encourage private institutions in the United States to develop their own exchange activities, and provide assistance for those exchange activities which are in the broadest national interest;

(3) coordinate international informational, educational, or cultural activities conducted or planned by departments and agencies of the United States Government;

(4) assist in the development of a comprehensive national policy on international communications; and

(5) promote United States participation in international events relevant to the mission of the Agency.

(Pub. L. 95-426, title II, § 202, Oct. 7, 1978, 92 Stat. 972.)

CODIFICATION

Section was enacted as a part of the Foreign Relations Authorization Act, Fiscal Year 1979, and not as a part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

INCREASE IN FINANCIAL RESOURCES OF AGENCY FOR EXCHANGE-OF-PERSONS ACTIVITIES

Section 203 of Pub. L. 95-426 provided that: "The President shall, by a process of gradual expansion during the four-year period beginning October 1, 1979, increase significantly the financial resources expended annually by the International Communication Agency for exchange-of-persons activities. The President shall prepare at an early date a general plan for the accomplishment of this goal and shall adjust that plan annually, as he finds appropriate, in consultation with the Congress."

§ 1461b. Indemnification of owners of short-wave radio facilities against loss or damage

Notwithstanding the provisions of section 665 of title 31, the International Communication Agency is authorized, in making contracts for the use of international shortwave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities.

(Pub. L. 95-431, title V, § 501, Oct. 10, 1978, 92 Stat. 1041.)

CODIFICATION

Section was enacted as a part of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1979, and not as a part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Aug. 2, 1977, Pub. L. 95-86, title V, § 501, 91 Stat. 441.

July 14, 1976, Pub. L. 94-362, title V, § 501, 90 Stat. 960.

§ 1462. Policies governing information activities

In authorizing international information activities under this chapter, it is the sense of the Congress (1) that the Director shall reduce such Government information activities whenever corresponding private information dissemination is found to be adequate; (2) that nothing in this chapter shall be construed to give the agency a monopoly in the production or sponsorship on the air of short-wave broadcasting programs, or a monopoly in any other medium of information.

(As amended 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President. The Director of the International Communication Agency was authorized by section 5 of Reorg. Plan No. 2 of 1977 to delegate the performance of such transferred functions to officers, employees, or units of the International Communication Agency. Accordingly, "agency" was also substituted for "Department".

§ 1463. Voice of America broadcasts; principles governing communications

The long-range interests of the United States are served by communicating directly with the peoples of the world by radio. To be effective, the Voice of America (the Broadcasting Service of the International Communication Agency) must win the attention and respect of listeners. These principles will therefore govern Voice of America (VOA) broadcasts:

[*See main edition for text of (1) to (3)*]

(As amended 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637.)

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, which agency was abolished by Reorg. Plan No. 2 of 1977, § 9(a)(1), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, were transferred to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, by section 7(a)(1) of Reorg. Plan No. 2 of 1977. The Director of the International Communication Agency was authorized by section 5 of Reorg. Plan No. 2 of 1977 to delegate the performance of any such transferred functions to any officer, employee, or unit of the International Communication Agency. Accordingly, "International Communication Agency" was substituted for "United States Information Agency" in text preceding par. (1).

SUBCHAPTER VI—ADVISORY COMMISSIONS TO FORMULATE POLICIES

§ 1466. United States Advisory Commission on Public Diplomacy and United States Advisory Commission on Educational Exchange; creation and duties

There are created two advisory commissions, (1) United States Advisory Commission on Public Diplomacy (hereinafter in this subchapter referred to as the Commission on Public Diplomacy and (2) United States Advisory Commission on Educational Exchange (hereinafter in this subchapter referred to as the Commission on Educational Exchange) to be constituted as provided in section 1467 of this title. The Commissions shall formulate and recommend to the Director policies and programs for the carrying out of this chapter: *Provided, however,* That the commissions created by this section shall have no authority over the Board

of Foreign Scholarships or the program created by sections 1619 and 1641 of Appendix to title 50, or the United States National Commission for UNESCO.

(As amended 1977 Reorg. Plan No. 2, §§ 7(a)(1), 8(b), 42 F.R. 62461, 91 Stat. 1637, 1638; Jan. 27, 1948, ch. 36, title VI, § 604, as added Aug. 15, 1979, Pub. L. 96–60, title II, § 203(f), 93 Stat. 399.)

CHANGE OF NAME

"Commission on Public Diplomacy" was substituted for "Commission on International Communication, Cultural and Educational Affairs" pursuant to section 1469 of this title which redesignated the United States Advisory Commission on International Communication, Cultural and Educational Affairs as the United States Commission on Public Diplomacy.

TRANSFER OF FUNCTIONS

The United States Advisory Commission on Information was abolished by Reorg. Plan No. 2 of 1977, § 9(a)(4), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President. Section 8(b) of Reorg. Plan No. 2 of 1977 provided that the functions now vested in the United States Advisory Commission on Information and in the United States Advisory Commission on International Educational and Cultural Affairs under sections 1466 to 1468 and 1471(6) of this title and sections 2456(b) and 2457 of this title, respectively, were to be consolidated, transferred to, and vested in the United States Advisory Commission on International Communication, Cultural and Educational Affairs, established by section 8(a) of Reorg. Plan No. 2 of 1977. Accordingly, "United States Advisory Commission on International Communication, Cultural and Educational Affairs" was substituted for "United States Advisory Commission on Information".

"Director" was substituted for "Secretary" pursuant to section 7(a)(1) of Reorg. Plan No. 2 of 1977, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456 and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1467. Commissions

[See main edition for text of (a)]

(b) Representation of the public interest on Commission on International Communication, Cultural and Educational Affairs

The members of the Commission on International Communication, Cultural and Educational Affairs shall represent the public interest, and shall be selected from a cross section of professional, business, and public service backgrounds.

[See main edition for text of (c) to (g)]

(h) Secretarial and clerical assistance

The agency is authorized to provide the necessary secretarial and clerical assistance for the Commissions.

(As amended 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 8(b), 42 F.R. 62461, 91 Stat. 1636–1638.)

TRANSFER OF FUNCTIONS

The United States Advisory Commission on Information was abolished by Reorg. Plan No. 2 of 1977, § 9(a)(4), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President. Section 8(b) of Reorg. Plan No. 2 of 1977 provided that the functions now vested in the United States Advisory Commission on Information and in the United States Advisory Commission on International Educational and Cultural Affairs under sections 1466 to 1468 and 1471(6) of this title and sections 2456(b) and 2457 of this title, respectively, were to be consolidated, transferred to, and vested in the United States Advisory Commission on International Communication, Cultural and Educational Affairs, established by section 8(a) of Reorg. Plan No. 2 of 1977. Accordingly, "Commission on International Communication, Cultural and Educational Affairs" was substituted for "Commission on Information" in subsec. (b).

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, which agency was abolished by section 9(a)(1) of Reorg. Plan No. 2 of 1977, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, were transferred to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, by section 7(a)(1) of Reorg. Plan No. 2 of 1977. The Director of the International Communication Agency was authorized by section 5 of Reorg. Plan No. 2 of 1977 to delegate the performance of any such transferred functions to any officer, employee, or unit of the International Communication Agency. Accordingly, "agency" was substituted for "Department" in subsec. (h).

§ 1468. Recommendations and reports

The Commissions shall meet not less frequently than once each month during the first six months after their establishment, and thereafter at such intervals as the Commissions find advisable, and shall transmit to the Director a quarterly report, and to the Congress a semiannual report of all programs and activities carried on under the authority of this chapter, including appraisals, where feasible, as to the effectiveness of the several programs, and such recommendations as shall have been made by the Commissions to the Director for effectuating the purposes and objectives of this chapter and the action taken to carry out such recommendations.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

The United States Advisory Commission on Information was abolished by Reorg. Plan No. 2 of 1977, § 9(a)(4), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President. Section 8(b) of Reorg. Plan No. 2 of 1977 provided that the functions now vested in the United States Advisory Commission on Information and in the United States Advisory Commission on International Educational and Cultural Affairs under sections 1466 to 1468 and 1471(6) of this title and sections 2456(b) and 2457 of this title, respectively, were to be consolidated, transferred to, and vested in the United States Advisory Commission on International Communication, Cultural and Educational Affairs, established by section 8(a) of Reorg. Plan No. 2 of 1977.

"Director" was substituted for "Secretary" pursuant to section 7(a)(1) of Reorg. Plan No. 2 of 1977, set out

under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1469. United States Advisory Commission on Public Diplomacy

(a) Change in name of United States Advisory Commission on International Communication, Cultural and Educational Affairs

The United States Advisory Commission on International Communication, Cultural and Educational Affairs, established by section 8 of Reorganization Plan Numbered 2 of 1977, is hereby redesignated as the United States Advisory Commission on Public Diplomacy (hereafter in this section referred to as the "Commission").

(b) Staff Director and staff personnel: appointment; temporary and intermittent personnel; compensation

The Commission shall have a Staff Director who shall be appointed by the Chairman of the Commission. Subject to such rules and regulations as may be adopted by the Commission, the Chairman of the Commission may—

(1) appoint such additional personnel for the staff of the Commission as the Chairman deems necessary; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5.

(Jan. 27, 1948, ch. 36, title VI, § 604, as added Aug. 15, 1979, Pub. L. 96-60, title II, § 203(f), 93 Stat. 399.)

REFERENCES IN TEXT

Section 8 of Reorganization Plan Numbered 2 of 1977, referred to in subsec. (a), is section 8 of Reorg. Plan No. 2 of 1977, 42 F.R. 62461, 91 Stat. 1638, which is set out as a note under section 1461 of this title.

EFFECTIVE DATE

Section 209 of Pub. L. 96-60 provided that: "The amendments made by sections 203 and 204 [enacting sections 1469 and 1477b of this title, amending sections 1471, 1474, 1475a, 2454, 2458, and 2458a of this title, section 1304 of Title 5, Government Organization and Employees, and section 474 of Title 40, Public Buildings, Property, and Works, and repealing section 1434 of this title] shall take effect on October 1, 1979, and to the extent that they provide new authorities involving the expenditure of appropriated funds, shall apply only with respect to funds appropriated after the date of enactment of this Act [Aug. 15, 1979]."

SUBCHAPTER VII—ADMINISTRATIVE PROCEDURE

§ 1471. Authority of Director of International Communication Agency

In carrying out the purposes of this chapter, the Director is authorized, in addition to and not in limitation of the authority otherwise vested in him—

(1) In carrying out subchapter II of this chapter, to make grants of money, services, or materials to State and local governmental institutions in the United States, to governmental institutions in other countries, and to individuals and public or private nonprofit organizations both in the United States and in other countries;

[*See main edition for text of (2)*]

(3) whenever necessary in carrying out subchapter V of this chapter, to purchase, rent, construct, improve, maintain, and operate facilities for radio transmission and reception, including the leasing of associated real property (either within or outside the United States) for periods not to exceed ten years, or for longer periods if provided for by an appropriation Act, and the alteration, improvement, and repair of such property, without regard to section 278a of title 40, and any such real property or interests therein which are outside the United States may be acquired without regard to section 255 of title 40 if the sufficiency of the title to such real property or interests therein is approved by the Director of the International Communication Agency;

[*See main edition for text of (4)*]

(5) to employ persons on a temporary basis without regard to the civil service and classification laws, when such employment is provided for by the pertinent appropriation Act; and

(6) to create, with the approval of the Commission on Public Diplomacy and the Commission on Educational Exchange, such advisory committees as the Director may decide to be of assistance in formulating his policies for carrying out the purposes of this chapter. No committee member shall be allowed any salary or other compensation for services; but he may be paid his transportation and other expenses, as authorized by section 5703 of title 5.

(As amended 1977 Reorg. Plan No. 2, §§ 7(a)(1), 8(b), 42 F.R. 62461, 91 Stat. 1637, 1638; Aug. 15, 1979, Pub. L. 96-60, title II, §§ 203(b)(1), (e), 204(a), 93 Stat. 398-400; Jan. 27, 1948, ch. 36, title VI, § 604, as added Aug. 15, 1979, Pub. L. 96-60, title II, § 203(f), 93 Stat. 399.)

AMENDMENTS

1979—Par. (1). Pub. L. 96-60, § 204(a), struck out "within the limitation of such appropriations as the Congress may provide," following "chapter,".

Par. (3). Pub. L. 96-60, § 203(e), substituted "leasing of associated real property (either within or outside the United States)" for "leasing of real property both within and without the continental limits of the United States" and provided for alteration, improvement, and repair of such property, without regard to section 278a of title 40, and for acquisition of such property or interests therein which are outside the United States without regard to section 255 of title 40 if the sufficiency of the title to such property or interests therein is approved by the Director.

Par. (5). Pub. L. 96-60, § 203(b)(1), eliminated provision for employment of aliens within the United

States limited to services related to the translation or narration of coloquial speech in foreign languages when suitably qualified United States citizens were not available, now covered in section 1474(1) of this title, and inserted "pertinent" preceding "appropriation".

CHANGE OF NAME

"Commission on Public Diplomacy" was substituted for "Commission on International Communication, Cultural and Educational Affairs" pursuant to section 1469 of this title which redesignated the United States Advisory Commission on International Communication, Cultural and Educational Affairs as the United States Commission on Public Diplomacy.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-60 effective Oct. 1, 1979, and applicable only with respect to funds appropriated after Aug. 15, 1979, where new authorities provide for expenditure of appropriated funds, see section 209 of Pub. L. 96-60, set out as an Effective Date note under section 1469 of this title.

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" in text preceding par. (1) and par. (6) pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

The United States Advisory Commission on Information was abolished by section 9(a)(4) of Reorg. Plan No. 2 of 1977, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President. Section 8(b) of Reorg. Plan No. 2 of 1977 provided that the functions now vested in the United States Advisory Commission on Information and in the United States Advisory Commission on International Educational and Cultural Affairs under sections 1466 to 1468 and 1471(6) of this title and sections 2456(b) and 2457 of this title, respectively, were to be consolidated, transferred to, and vested in the United States Advisory Commission on International Communication, Cultural and Educational Affairs, established by section 8(a) of Reorg. Plan No. 2 of 1977. Accordingly, "Commission on International Communication, Cultural and Educational Affairs" was substituted for "Commission on Information" in par. (6) of this section.

§ 1472. Authority of International Communication Agency and other Government agencies

In carrying on activities which further the purposes of this chapter, subject to approval of such activities by the Director, the agency and the other Government agencies are authorized—

[*See main edition for text of (1) and (2)*]

(3) under such regulations as the Director may prescribe, to pay the transportation expenses, and not to exceed $10 per diem in lieu of subsistence and other expenses, of citizens or subjects of other countries, without regard to the Standardized Government Travel Regulations and the Subsistence Expense Act of 1926, as amended; and

(4) to make grants for, and to pay expenses incident to, training and study.

(As amended 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" in text preceding par. (1) and par. (3), pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions are vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President. The Director of the International Communication Agency was authorized by section 5 of Reorg. Plan No. 2 of 1977 to delegate the performance of any such transferred functions to any officer, employee, or unit of the International Communication Agency. Accordingly, "agency" was substituted for "Department", meaning the Department of State, in text preceding par. (1) of this section.

§ 1473. Use of existing Government property and facilities

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, except to the extent that such functions were vested in the President under sections 1452, 1456, or 1467 of this title.

§ 1474. Additional authority of Director of International Communication Agency or other Government agency authorized to administer provisions

In carrying out the provisions of this chapter, the Director, or any Government agency authorized to administer such provisions, may—

(1) employ, without regard to the civil service and classification laws, aliens within the United States and abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages or the preparation and production of foreign language programs when suitably qualified United States citizens are not available, and aliens so employed abroad may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 1101(a)(15) of title 8 for such time and under such conditions and procedures as may be established by the Director of the International Communication Agency and the Attorney General;

[*See main edition for text of (2) and (3)*]

(4) obtain insurance on official motor vehicles operated by the Director or such agency in foreign countries, and pay the expenses incident thereto;

[*See main edition for text of (5) to (9)*]

(10) rent or lease, for periods not exceeding ten years, offices, buildings, grounds, and living quarters abroad for employees carrying

out this chapter, and make payments therefor in advance;

[*See main edition for text of (11) and (12)*]

(13) pay travel expenses of employees attending official international conferences, without regard to sections 5701-5708 of title 5, and regulations issued thereunder, but at rates not in excess of comparable allowances approved for such conferences by the Director;

(14) purchase uniforms;

(15) hire passenger motor vehicles;

(16) purchase passenger motor vehicles for use abroad, and right-hand drive vehicles may be so purchased without regard to any maximum price limitation established by law;

(17) procure services of experts and consultants in accordance with section 3109 of title 5;

(18) make advances of funds; and

(19) notwithstanding section 5946 of title 5, pay dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637; Aug. 15, 1979, Pub. L. 96-60, title II, §§ 203(b)(2), 204(b), 93 Stat. 398, 400.)

AMENDMENTS

1979—Par. (1). Pub. L. 96-60, § 203(b)(2), authorized employment of aliens within the United States, previously covered in section 1471(5) of this title, extended services to include preparation and production of foreign language programs, and eliminated investigation-of-alien-employees requirement.

Par. (10). Pub. L. 96-60, § 204(b)(1), substituted "ten" for "five" years.

Par. (14). Pub. L. 96-60, § 204(b)(3), substituted a semicolon for ", when funds are appropriated therefor.".

Pars. (15) to (19). Pub. L. 96-60, § 204(b)(4), added pars. (15) to (19).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-60 effective Oct. 1, 1979, and applicable only with respect to funds appropriated after Aug. 15, 1979, where new authorities provide for expenditure of appropriated funds, see section 209 of Pub. L. 96-60, set out as an Effective Date note under section 1469 of this title.

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" in text preceding par. (1) and pars. (1), (4) and (13), pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1475. Travel expenses

Appropriated funds made available for any fiscal year to the Director or any Government agency, to carry out the provisions of this chapter, for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, shall be available for all such expenses in connection with travel or transportation which begin in that fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed until the following fiscal year.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1475a. Replacement of passenger motor vehicles

The exchange allowances or proceeds derived from the exchange or sale of passenger motor vehicles used abroad for purposes of this chapter or the Mutual Educational and Cultural Exchange Act of 1961 [22 U.S.C. 2451 et seq.] shall be available without fiscal year limitation for replacement of an equal number of such vehicles in accordance with section 481(c) of title 40.

(As amended Aug. 15, 1979, Pub. L. 96-60, title II, § 204(c), 93 Stat. 400.)

AMENDMENTS

1979—Pub. L. 96-60 substituted "shall be available" for "are authorized to be made available".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-60 effective Oct. 1, 1979, and applicable only with respect to funds appropriated after Aug. 15, 1979, where new authorities provide for expenditures of appropriated funds, see section 209 of Pub. L. 96-60, set out as an Effective Date note under section 1469 of this title.

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, except to the extent that such functions were vested in the President under sections 1452, 1456, or 1467 of this title.

§ 1475b. Seal of International Communication Agency; judicial notice

The seal of the International Communication Agency shall be the arms and crest of the United States, encircled by the words "International Communication Agency". Judicial notice shall be taken of the seal.

(Jan. 27, 1948, ch. 36, title VIII, § 807, as added Oct. 7, 1978, Pub. L. 95-426, title II, § 204(c), 92 Stat. 974.)

SUBCHAPTER VIII—APPROPRIATIONS AND OTHER FUNDS

§ 1476. Prior authorizations by Congress

[See main edition for text of (a) to (d)]

(e) The provisions of this section shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the International Communication Agency as authorized by law.

(As amended 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637.)

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof under this chapter, which agency was abolished by Reorg. Plan No. 2 of 1977, § 9(a)(1), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, were transferred to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, by section 7(a)(1) of Reorg. Plan No. 2 of 1977. The Director of the International Communication Agency was authorized by section 5 of Reorg. Plan No. 2 of 1977 to delegate the performance of any such transferred functions to any officer, employee, or unit of the International Communication Agency. Accordingly, "International Communication Agency" was substituted for "United States Information Agency" in subsec. (e).

§ 1477. Transfer of funds

The Director shall authorize the transfer to other Government agencies for expenditure in the United States and in other countries, in order to carry out the purposes of this chapter, any part of any appropriations available to the agency for carrying out the purposes of this chapter, for direct expenditure or as a working fund, and any such expenditures may be made under the specific authority contained in this chapter or under the authority governing the activities of the Government agency to which a part of any such appropriation is transferred, provided the activities come within the scope of this chapter.

(As amended 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President. The Director of the International Communication Agency was authorized by section 5 of Reorg. Plan No. 2 of 1977 to delegate the performance of such transferred functions by any officers, employees, or units of the International Communication Agency. Accordingly, "agency" was substituted for "Department", meaning the Department of State.

§ 1477a. Grants for fiscal year 1973; prohibition upon the use of Radio Free Europe and Radio Liberty in fiscal year 1973 of funds appropriated after August 20, 1972

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, except to the extent that such functions were vested in the President under sections 1452, 1456, or 1467 of this title.

§ 1477b. Nondiscretionary personnel costs and currency fluctuations

(a) Availability of appropriations until expended

Amounts appropriated for a fiscal year to carry out this chapter are authorized to be made available until expended.

(b) Additional appropriations

There are authorized to be appropriated for the International Communication Agency, in addition to amounts otherwise authorized to be appropriated for the Agency, such sums as may be necessary for any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.

(c) Appropriations authorization based on currency fluctuations of preceding fiscal year

In order to maintain the levels of program activity provided for by the annual authorizing legislation for the International Communication Agency, there are authorized to be appropriated for the Agency such sums as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the preceding fiscal year.

(Jan. 27, 1948, ch. 36, title VII, § 704, as added Aug. 15, 1979, Pub. L. 96-60, title II, § 204(e), 93 Stat. 400.)

EFFECTIVE DATE

Section effective Oct. 1, 1979, and applicable only with respect to funds appropriated after Aug. 15, 1979, where new authorities provide for expenditure of appropriated funds, see section 209 of Pub. L. 96-60, set out as an Effective Date note under section 1469 of this title.

§ 1478. Reimbursement of program expenses from sources other than appropriations; disposition of receipts

The Director shall, when he finds it in the public interest, request and accept reimbursement from any cooperating governmental or private source in a foreign country, or from State or local governmental institutions or private sources in the United States, for all or part of the expenses of any portion of the program undertaken hereunder. The amounts so re-

ceived shall be covered into the Treasury as miscellaneous receipts.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 1479. Advancement of funds, property, or services by foreign governments; disposition; availability; return of unexpended balances or property

If any other government shall express the desire to provide funds, property, or services to be used by this Government, in whole or in part, for the expenses of any specific part of the program undertaken pursuant to this chapter, the Director is authorized, when he finds it in the public interest, to accept such funds, property, or services. Funds so received may be established as a special deposit account in the Treasury of the United States, to be available for the specified purpose, and to be used for reimbursement of appropriations or direct expenditure, subject to the provisions of this chapter. Any unexpended balance of the special deposit account and other property received under this section and no longer required for the purposes for which provided shall be returned to the government providing the funds or property.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by the President.

CHAPTER 20A—MUTUAL DEFENSE ASSISTANCE CONTROL PROGRAM

SUBCHAPTER I—WAR MATERIALS

§§ 1611 to 1611d. Omitted

CODIFICATION

Sections, act Oct. 26, 1951, ch. 575, title I, §§ 101-105, 65 Stat. 645; H. Res. 163, Mar. 19, 1975, were omitted from the Code as superseded, effective October 1, 1979, by section 2416(e) of the Appendix to Title 50, War and National Defense. See section 2401 et seq. of the Appendix to Title 50.

Section 1611 set forth the Congressional declaration of policy.

Section 1611a related to responsibility for administration.

Section 1611b related to determinations respecting items to be embargoed.

Section 1611c related to resumption of assistance upon determination of compliance by the President.

Section 1611d defined the term "assistance" for purposes of this chapter.

SHORT TITLE

Act Oct. 26, 1951, ch. 575, § 1, 65 Stat. 645, which provided that this chapter be cited as the "Mutual Defense Assistance Control Act of 1951", was omitted from the Code as superseded, effective October 1, 1979, by section 2416(e) of the Appendix to Title 50, War and National Defense.

SUBCHAPTER II—OTHER MATERIALS

§§ 1612 to 1612b. Omitted

CODIFICATION

Sections, act Oct. 26, 1951, ch. 575, title II, §§ 201-203, 65 Stat. 646, were omitted from the Code as superseded, effective October 1, 1979, by section 2416(e) of the Appendix to Title 50, War and National Defense. See section 2401 et seq. of the Appendix to Title 50.

Section 1612 related to regulation of exports other than war materials.

Section 1612a related to negotiations with recipient countries for control of exports.

Section 1612b related to termination of assistance upon determination by the President.

SUBCHAPTER III—GENERAL PROVISIONS

§§ 1613 to 1613d. Omitted

CODIFICATION

Sections, acts Oct. 26, 1951, ch. 575, title III, §§ 301-305, 65 Stat. 647; Sept. 4, 1961, Pub. L. 87-195, Pt. IV, § 703(a), 75 Stat. 463, were omitted from the Code as superseded, effective October 1, 1979, by section 2416(e) of the Appendix to Title 50, War and National Defense. See section 2401 et seq. of the Appendix to Title 50.

Section 1613 set forth provisions relating to cooperation in the program by non-recipient countries.

Section 1613a related to duties of the Administrator with respect to this chapter.

Section 1613b related to applicability of other Federal statutory provisions and to availability of funds.

Section 1613c related to charging expenses to local-currency funds.

Section 1613d authorized appropriations necessary to carry out the objectives of this chapter.

CHAPTER 21—SETTLEMENT OF INTERNATIONAL CLAIMS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 50 App. section 6b.

SUBCHAPTER III—CLAIMS AGAINST BULGARIA, HUNGARY, RUMANIA, ITALY, AND THE SOVIET UNION

§ 1641b. Claims of nationals of the United States; against Bulgaria, Hungary, and Rumania

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1641e, 1641i, 1641*l*, 1641o of this title; title 50 App. sections 2017g, 2017h, 2017*l*.

§ 1641i. Payment of awards

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1641a, 1641c of this title; title 50 App. section 2017*l*.

CHAPTER 23—PROTECTION OF CITIZENS ABROAD

§ 1731. Protection to naturalized citizens abroad

EQUITABLE TREATMENT BY UNITED STATES OF ITS CITIZENS LIVING ABROAD

Pub. L. 95-426, title VI, § 611, Oct. 7, 1978, 92 Stat. 989, as amended by Pub. L. 96-60, title IV, § 407, Aug. 15, 1979, 93 Stat. 405, provided that:

"(a) The Congress finds that—

"(1) United States citizens living abroad should be provided fair and equitable treatment by the United States Government with regard to taxation, citizenship of progeny, veterans' benefits, voting rights, Social Security benefits, and other obligations, rights, and benefits; and

"(2) United States statutes and regulations should be designed so as not to create competitive disadvantage for individual American citizens living abroad or working in international markets.

"(b) Not later than January 20, 1980, the President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report which—

"(1) identifies all United States statutes and regulations which treat United States citizens living abroad differently from United States citizens residing within the United States, or which may cause, directly or indirectly, competitive disadvantage for Americans working abroad relative to the treatment by other major trading nations of the world of their nationals who are working outside their territory;

"(2) evaluates each such discriminatory practice; and

"(3) recommends legislation and any other remedial action the President finds appropriate to eliminate unfair or competitively disadvantaging treatment of Americans living or working abroad."

CHAPTER 24—MUTUAL SECURITY PROGRAM

SUBCHAPTER I—GENERAL AND ADMINISTRATIVE PROVISIONS

§ 1754. Foreign currencies

[See main edition for text of (a)]

(b) Availability to Members and employees of Congress; authorization requirements; reports

(1)(A) Notwithstanding section 724 of title 31, or any other provision of law—

(i) local currencies owned by the United States which are in excess of the amounts reserved under section 2362(a) of this title and of the requirements of the United States Government in payment of its obligations outside of the United States, as such requirements may be determined from time to time by the President; and

(ii) any other local currencies owned by the United States in amounts not to exceed the equivalent of $75 per day per person or the maximum per diem allowance established under the authority of subchapter I of chapter 57 of title 5 for employees of the United States Government while traveling in a foreign country, whichever is greater, exclusive of the actual cost of transportation;

shall be made available to Members and employees of the Congress for their local currency expenses when authorized as provided in subparagraph (B).

(B) The authorization required for purposes of subparagraph (A) may be provided—

(i) by the Speaker of the House of Representatives in the case of a Member or employee of the House;

(ii) by the chairman of a standing or select committee of the House of Representatives in the case of a member or employee of that committee;

(iii) by the President of the Senate, the President pro tempore of the Senate, the Majority Leader of the Senate, or the Minority Leader of the Senate, in the case of a Member or employee of the Senate;

(iv) by the chairman of a standing, select, or special committee of the Senate in the case of a member or employee of that committee or of an employee of a member of that committee; and

(v) by the chairman of a joint committee of the Congress in the case of a member or employee of that committee.

(C) Whenever local currencies owned by the United States are not otherwise available for purposes of this subsection, the Secretary of the Treasury shall purchase such local currencies as may be necessary for such purposes, using any funds in the Treasury not otherwise appropriated.

(2) On a quarterly basis, the chairman of each committee of the House of Representatives or the Senate and of each joint committee of the Congress (A) shall prepare a consolidated report (i) which itemizes the amounts and dollar equivalent values of each foreign currency expended and the amounts of dollar expenditures from appropriated funds in connection with travel outside the United States, stating the purposes of the expenditures including per diem (lodging and meals), transportation, and other purposes, and (ii) which shows the total itemized expenditures, by such committee and by each member or employee of such committee (including in the case of a committee of the Senate, each employee of a member of the committee who received an authorization under paragraph (1) from the chairman of the committee); and (B) shall forward such consolidated report to the Clerk of the House of Representatives (if the committee is a committee of the House of Representatives or a joint committee whose funds are disbursed by the Clerk of the House) or to the Secretary of the Senate (if the committee is a committee of the Senate or a joint committee whose funds are disbursed by the Secretary of the Senate). Each such consolidated report shall be open to public inspection and shall be published in the Congressional Record within ten legislative days after the report is forwarded pursuant to this paragraph. In the case of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, such consolidated report may, in the discretion of the chairman of the committee, omit such information as would identify the foreign countries in which members and employees of that committee traveled.

(3)(A) Each Member or employee who receives an authorization under paragraph (1) from the Speaker of the House of Representatives, the President of the Senate, the Presi-

dent pro tempore of the Senate, the Majority Leader of the Senate, or the Minority Leader of the Senate, shall within thirty days after the completion of the travel involved, submit a report setting forth the information specified in paragraph (2), to the extent applicable, to the Clerk of the House of Representatives (in the case of a Member of the House or an employee whose salary is disbursed by the Clerk of the House) or the Secretary of the Senate (in the case of a Member of the Senate or an employee whose salary is disbursed by the Secretary of the Senate). In the case of an authorization for a group of Members or employees, such reports shall be submitted for all Members of the group by its chairman, or if there is no designated chairman, by the ranking Member or if the group does not include a Member, by the senior employee in the group. Each report submitted pursuant to this subparagraph shall be open to public inspection.

(B) On a quarterly basis, the Clerk of the House of Representatives and the Secretary of the Senate shall each prepare a consolidation of the reports received by them under this paragraph with respect to expenditures during the preceding quarter by each Member and employee or by each group in the case of expenditures made on behalf of a group which are not allocable to individual members of the group. Each such consolidation shall be open to public inspection and shall be published in the Congressional Record within ten legislative days after its completion.

(As amended Sept. 26, 1978, Pub. L. 95-384, § 22(a), 92 Stat. 742.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-384, among other changes, added provisions requiring authorization by certain individuals of local currency expenses of members of employees of Congress and requiring each member or employee who has received an authorization for his local currency expenses to submit a report within 30 days setting forth certain specified information.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 22(b) of Pub. L. 95-384 provided that: "Notwithstanding section 30 of this Act, [set out as a note below], the amendment made by subsection (a) of this section [amending subsec. (b) of this section] shall take effect on the date of enactment of this Act [Sept. 26, 1978]."

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Secretary of the Treasury pursuant to section 1-501(a)(4) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

ABOLITION OF JOINT COMMITTEE ON ATOMIC ENERGY

The Joint Committee on Atomic Energy, referred to in subsec. (b), was abolished by section 2258 of Title 42, The Public Health and Welfare and references to the Joint Committee are deemed, on or after Sept. 20, 1977, to refer to the committees of the Senate or House of Representatives which, under the rules of the Senate or House, have jurisdiction over the subject matter with records and files of the Joint Committee being transferred to the respective committees of the House or Senate.

INTERNATIONAL SECURITY ASSISTANCE ACT OF 1978 NOT TO AFFECT AUTHORIZATIONS OF APPROPRIATIONS AND LIMITATIONS OF AUTHORITY APPLICABLE TO FISCAL YEAR 1978

Section 30 of Pub. L. 95-384 provided that: "Enactment of this Act [See Short Title of 1978 Amendment note set out under section 2151 of this title] shall not affect the authorizations of appropriations and limitations of authority applicable to the fiscal year 1978 which are contained in provisions of law amended by this Act (other than sections 31(a), (b), and (d) of the Arms Export Control Act [section 2771(a), (b), and (d) of this title])."

SUBCHAPTER II—MILITARY ASSISTANCE

§ 1819. Repealed. Pub. L. 95-148, title I, § 100, Oct. 31, 1977, 91 Stat. 1232

Section, act Aug. 2, 1955, ch. 491, § 108, 69 Stat. 438, related to an accounting for military assistance funds.

EFFECTIVE DATE OF REPEAL

Section 100 of Pub. L. 95-148 provided in part that the repeal of this section is effective Oct. 1, 1977.

SUBCHAPTER III—ECONOMIC ASSISTANCE

PART C—TECHNICAL COOPERATION

§ 1896b. Colombo Plan Council for Technical Cooperation; authorization

ANNUAL APPROPRIATIONS

Annual appropriations to meet obligations of membership in the Colombo Plan Council for Technical Cooperation were contained in the following appropriation acts:

Pub. L. 96-68, title I, § 100, Sept. 24, 1979, 93 Stat. 417.

Pub. L. 95-431, title I, § 101, Oct. 10, 1978, 92 Stat. 1022.

Pub. L. 95-86, title I, § 101, Aug. 2, 1977, 91 Stat. 420.

PART D—SPECIAL ASSISTANCE AND OTHER PROGRAMS

§ 1922. Surplus agricultural commodities; funds for shipments

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, pursuant to section 1-102(a)(3) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

INTERNATIONAL AGREEMENTS

The negotiation, conclusion, and termination of international agreements pursuant to this section, shall be subject to requirements of section 112b of Title 1, General Provisions, and to applicable regulations and procedures, see section 1-604 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 1928. North Atlantic Treaty Organization

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in the North Atlantic Treaty Organization were contained in the following appropriation acts:

Pub. L. 96-68, title I, § 100, Sept. 24, 1979, 93 Stat. 417.

Pub. L. 95-431, title I, § 101, Oct. 10, 1978, 92 Stat. 1022.

Pub. L. 95-86, title I, § 101, Aug. 2, 1977, 91 Stat. 420.

§ 1928a. North Atlantic Treaty Parliamentary Conference; participation; appointment of United States Group

Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and annually with representative parliamentary groups from other NATO (North Atlantic Treaty Organization) members, for discussion of common problems in the interests of the maintenance of peace and security in the North Atlantic area. Of the Members of the Congress to be appointed for the purposes of this resolution (hereinafter designated as the "United States Group"), half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the Committee on Foreign Affairs), and half shall be appointed by the President of the Senate upon recommendations of the majority and minority leaders of the Senate from Members of the Senate. Not more than seven of the appointees from the Senate shall be of the same political party. The Chairman or Vice Chairman of the House delegation shall be a Member from the Foreign Affairs Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee.

(As amended June 15, 1977, Pub. L. 95-45, § 4(c), 91 Stat. 222; H. Res. 89, Feb. 5, 1979.)

Amendments

1977—Pub. L. 95-45 increased the size of the United States Group from eighteen to twenty-four, added requirement that not less than four of the appointees from the House of Representatives be from the Committee on International Relations, added requirement that the appointment of the Senate appointees by the President of the Senate be made upon recommendations of the majority and minority leaders of the Senate, substituted requirement that not more than seven of the appointees from the Senate be of the same political party for requirement which had provided that not more than five of the appointees from each of the respective Houses be of the same political party, and added provision that the Chairman or Vice Chairman of the House delegation be a Member from the International Relations Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation be a Member from the Foreign Relations Committee.

Change of Name

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs on Feb. 5, 1979, by House Resolution 89, 96th Congress.

§ 1928b. Authorization of appropriations

Annual Appropriations

An annual appropriation to meet obligations of membership in the North Atlantic Assembly was contained in the fol'owing appropriation acts:

Pub. L. 96-68, title I, § 100, Sept. 24, 1979, 93 Stat. 417.

Pub. L. 95-431, title I, § 101, Oct. 10, 1978, 92 Stat. 1022.

Pub. L. 95-86, title I, § 101, Aug. 2, 1977, 91 Stat. 420.

§ 1942. Development assistance in Latin America; Congressional declaration of policy

Delegation of Functions

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, pursuant to section 1-102(a)(2) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 1943. Authorization of appropriations; restrictions; reports to Committees

In order to carry out the purposes of section 1942 of this title, there is authorized to be appropriated to the President not to exceed $680,000,000, which shall remain available until expended, and which the President may use, subject to such further legislative provisions as may be enacted, in addition to other funds available for such purposes, on such terms and conditions as he may specify: *Provided*, That none of the funds made available pursuant to this section shall be used to furnish assistance to any country in Latin America being subjected to economic or diplomatic sanctions by the Organization of American States. The Secretary of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House currently informed about plans and programs for the utilization of such funds.

(As amended H. Res. 89, Feb. 5, 1979.)

Change of Name

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs on Feb. 5, 1979, by House Resolution 89, 96th Congress.

Delegation of Functions

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, pursuant to section 1-102(a)(2) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§§ 1944, 1945

Delegation of Functions

Functions of the President under these sections were delegated to the Director of the United States International Development Cooperation Agency, pursuant to section 1-102(a)(2) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

CHAPTER 25—PROTECTION OF VESSELS ON THE HIGH SEAS AND IN TERRITORIAL WATERS OF FOREIGN COUNTRIES

Sec.

1980. Compensation for loss or destruction of commercial fishing vessel or gear [New].
(a) Definitions.
(b) Causes of loss or destruction.
(c) Eligibility for compensation.
(d) Application for compensation; initial determination of eligibility; amount of compensation; review of initial determination; subrogation of United States upon payment.

Sec.

(e) Surcharge on foreign fishing vessels.
(f) Fishing Vessel and Gear Damage Compensation Fund; requirements, etc.
(g) Penalty for false or misleading statements.

§ 1971. Definition

For the purposes of this chapter the term "vessel of the United States" shall mean any private vessel documented or certificated under the laws of the United States. Notwithstanding any other law, the documentation or certification of any such vessel shall not be considered to be affected, for the purposes of this chapter, in any manner or to any extent if at any time during any voyage for the purpose of fishing beyond the fishery conservation zone (as defined in section 1802(8) of title 16), the vessel is commanded by other than a citizen of the United States.

(As amended Oct. 28, 1978, Pub. L. 95-541, § 14(a), 92 Stat. 2057.)

AMENDMENTS

1978—Pub. L. 95-541 provided that the documentation or certification of a vessel of the United States not be affected if at any time during the voyage for the purpose of fishing beyond the fishery conservation zone, the vessel is commanded by other than a citizen of the United States.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 14(b) of Pub. L. 95-541 provided that: "The amendment made by subsection (a) [amending this section] shall take effect January 1, 1978."

§ 1977. Reimbursement for seized commercial fishermen

[*See main edition for text of (a) to (d)*]

(e) Effective date

The provisions of this section shall be effective until October 1, 1981; except that payments may be made under this section only to such extent and in such amounts as are provided in advance in appropriation Acts.

[*See main edition for text of (f)*]

(As amended Nov. 18, 1977, Pub. L. 95-194, § 1, 91 Stat. 1413; Sept. 18, 1978, Pub. L. 95-376, § 1, 92 Stat. 714.)

AMENDMENTS

1978—Subsec. (e). Pub. L. 95-376 substituted "October 1, 1981; except that payments may be made under this section only to such extent and in such amounts as are provided in advance in appropriation Acts" for "October 1, 1978".

1977—Subsec. (e). Pub. L. 95-194 substituted "October 1, 1978" for "October 1, 1977".

§ 1978. Restriction on importation of fishery or wildlife products from countries which violate international fishery or endangered or threatened species programs

(a) Certification to President

(1) When the Secretary of Commerce determines that nationals of a foreign country, directly or indirectly, are conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program, the Secretary of Commerce shall certify such fact to the President.

(2) When the Secretary of Commerce or the Secretary of the Interior finds that nationals of a foreign country, directly or indirectly, are engaging in trade or taking which diminishes the effectiveness of any international program for endangered or threatened species, the Secretary making such finding shall certify such fact to the President.

(3) In administering this subsection, the Secretary of Commerce or the Secretary of the Interior, as appropriate, shall—

(A) periodically monitor the activities of foreign nationals that may affect the international programs referred to in paragraphs (1) and (2);

(B) promptly investigate any activity by foreign nationals that, in the opinion of the Secretary, may be cause for certification under paragraph (1) or (2); and

(C) promptly conclude; and reach a decision with respect to; any investigation commenced under subparagraph (B).

(4) Upon receipt of any certification made under paragraph (1) or (2), the President may direct the Secretary of the Treasury to prohibit the bringing or the importation into the United States of fish products (if the certification is made under paragraph (1)) or wildlife products (if the certification is made under paragraph (2)) from the offending country for such duration as the President determines appropriate and to the extent that such prohibition is sanctioned by the General Agreement on Tariffs and Trade.

(b) Notification to Congress

Within sixty days following certification by the Secretary of Commerce or the Secretary of the Interior, the President shall notify the Congress of any action taken by him pursuant to such certification. In the event the President fails to direct the Secretary of the Treasury to prohibit the importation of fish products or wildlife products of the offending country, or if such prohibition does not cover all fish products or wildlife products of the offending country, the President shall inform the Congress of the reasons therefor.

(c) Importation of fish products from offending country prohibited

It shall be unlawful for any person subject to the jurisdiction of the United States knowingly to bring or import into, or cause to be imported into, the United States any fish products or wildlife products prohibited by the Secretary of the Treasury pursuant to this section.

(d) Periodic review by Secretary of Commerce or Secretary of the Interior; termination of certification; notice

After making a certification to the President under subsection (a) of this section, the Secretary of Commerce or the Secretary of the Interior, as the case may be, shall periodically review the activities of the nationals of the offending country to determine if the reasons for which the certification was made no longer pre-

vail. Upon determining that such reasons no longer prevail, the Secretary concerned shall terminate the certification and publish notice thereof, together with a statement of the facts on which such determination is based, in the Federal Register.

(e) Penalties; forfeiture; customs laws

(1) Any person violating the provisions of this section shall be fined not more than $10,000 for the first violation, and not more than $25,000 for each subsequent violation.

(2) All fish products and wildlife products brought or imported into the United States in violation of this section, or the monetary value thereof, may be forfeited.

(3) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with this section.

(f) Enforcement

(1) Enforcement of the provisions of this section prohibiting the bringing or importation of fish products and wildlife products into the United States shall be the responsibility of the Secretary of the Treasury.

(2) The judges of the United States district courts, and United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this chapter and regulations issued thereunder.

(3) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this section.

(4) Such person so authorized shall have the power—

(A) with or without a warrant or other process, to arrest any persons subject to the jurisdiction of the United States committing in his presence or view a violation of this section or the regulations issued thereunder;

(B) with or without a warrant or other process, to search any vessel or other conveyance subject to the jurisdiction of the United States, and, if as a result of such search he has reasonable cause to believe that such vessel or other conveyance or any person on board is engaging in operations in violation of this section or the regulations issued thereunder, then to arrest such person.

(5) Such person so authorized, may seize, whenever and wherever lawfully found, all fish products and wildlife products brought or imported into the United States in violation of this section or the regulations issued thereunder. Fish products and wildlife products so seized may be disposed of pursuant to the order of a court of competent jurisdiction, or, if perishable, in a manner prescribed by regulations promulgated by the Secretary of the Treasury after consultation with the Secretary of Health, Education, and Welfare.

(g) Regulations

The Secretary of the Treasury, the Secretary of Commerce, and the Secretary of the Interior are each authorized to prescribe such regulations as he determines necessary to carry out the provisions of this section.

(h) Definitions

As used in this section—

(1) The term "person" means any individual, partnership, corporation, or association.

(2) The term "United States", when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, and the United States Virgin Islands.

(3) The term "international fishery conservation program" means any ban, restriction, regulation, or other measure in effect pursuant to a multilateral agreement which is in force with respect to the United States, the purpose of which is to conserve or protect the living resources of the sea.

(4) The term "fish products" means fish and marine mammals and all products thereof taken by fishing vessels of an offending country whether or not packed, processed, or otherwise prepared for export in such country or within the jurisdiction thereof.

(5) The term "international program for endangered or threatened species" means any ban, restriction, regulation, or other measure in effect pursuant to a multilateral agreement which is in force with respect to the United States, the purpose of which is to protect endangered or threatened species of animals.

(6) The term "wildlife products" means fish (other than those to which paragraph (4) applies) and wild animals, and parts (including eggs) thereof, taken within an offending country and all products of any such fish and wild animals, or parts thereof, whether or not such products are packed, processed, or otherwise prepared for export in such country or within the jurisdiction thereof. Such term does not include any wild animal or fish if brought or imported into the United States for scientific research.

(7) The term "taking" means—

(A) for purposes of subsection (a)(2) of this section—

(i) to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or

(ii) to attempt to engage in any such conduct with respect to,

animals to which an international program for endangered or threatened species applies; and

(B) for purposes of paragraph (6), any conduct described in subparagraph (A)(i), whether or not such conduct is legal under the laws of the offending country, undertaken with respect to any wild animal.

(As amended Sept. 18, 1978, Pub. L. 95-376, § 2, 92 Stat. 714; Aug. 15, 1979, Pub. L. 96-61, § 3(b), 93 Stat. 408.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (e)(3), are classified generally to Title 19, Customs Duties.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-61, § 3(b)(1), added par. (3) and redesignated former par. (3) as (4).

Subsec. (d). Pub. L. 96-61, § 3(b)(2), (3), added subsec. (d). Former subsec. (d) redesignated (e).

Subsecs. (e) to (h). Pub. L. 96-61, § 3(b)(2), redesignated subsecs. (d) through (g) as (e) through (h), respectively.

1978—Subsec. (a). Pub. L. 95-376, § 2(1), designated existing provisions as par. (1), and in par. (1) as so designated, struck out a provision enabling the President, upon receipt of certification, to direct the Secretary of the Treasury to prohibit importation of fish products of the offending country for as long as he determines appropriate and to the extent such prohibition is sanctioned by the General Agreement on Tariffs and Trade, and added pars. (2) and (3).

Subsec. (b). Pub. L. 95-376, § 2(2), added "or the Secretary of the Interior" following "Secretary of Commerce" and added "or wildlife products" following "fish products" in two places.

Subsec. (c). Pub. L. 95-376, § 2(3), added "or wildlife products" following "fish products".

Subsec. (d)(2). Pub. L. 95-376, § 2(4), added "and wildlife products" following "fish products".

Subsec. (e)(1). Pub. L. 95-376, § 2(5)(A), added "and wildlife products" following "fish products".

Subsec. (e)(4)(B). Pub. L. 95-376, § 2(5)(B), added "or other conveyance" after "vessel" wherever appearing.

Subsec. (e)(5). Pub. L. 95-376, § 2(5)(A), (C), added "and wildlife products" following "all fish products", and substituted "Fish products and wildlife products" for "Any fish products".

Subsec. (f). Pub. L. 95-376, § 2(6), added references to the Secretary of Commerce and the Secretary of the Interior.

Subsec. (g)(3). Pub. L. 95-376, § 2(7)(A), (B), substituted "in effect" for "in force", and "which is in force with respect to the United States" for "to which the United States is a signatory party".

Subsec. (g)(5) to (7). Pub. L. 95-376, § 2(7)(C), added pars. (5) to (7).

CHANGE OF NAME

The Secretary of Health, Education, and Welfare was redesignated the Secretary of Health and Human Services by section 3508 of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 1821.

§ 1979. Fishermen's Protective Fund

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1973, 1975, 1980 of this title.

§ 1980. Compensation for loss or destruction of commercial fishing vessel or gear

(a) Definitions

For purposes of this section—

(1) The terms "fishery", "fishery conservation zone", "fishing", "fishing vessel", "Secretary", and "vessel of the United States" shall each have the same respective meaning as is given to such terms in section 3 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1802).

(2) The term "fishing gear" means any equipment or appurtenance which is necessary for the carrying out of fishing operations by a fishing vessel, whether or not such equipment or appurtenance is attached to such vessel.

(3) The term "fund" means the Fishing Vessel and Gear Damage Compensation Fund established under subsection (f) of this section.

(b) Causes of loss or destruction

Subject to the provisions of this section, the owner or operator (hereinafter referred to as the "vessel owner") of any fishing vessel which is a vessel of the United States is eligible for monetary compensation under this section for any damage to, loss of, or destruction of such vessel, or any fishing gear used with such vessel, or both, if the damage, loss, or destruction—

(1) in the case of such vessel—

(A) occurs when such vessel is engaged in any fishery subject to the exclusive fishery management authority of the United States under the Fishery Conservation and Management Act of 1976 [16 U.S.C. 1801 et seq.], and

(B) is attributable to any vessel (or its crew or fishing gear) other than a vessel of the United States; or

(2) in the case of such fishing gear—

(A) occurs when such fishing gear is being used for fishing in any fishery subject to such exclusive management authority, and

(B) is attributable to (i) any other vessel, whether such vessel is a vessel of the United States, or (ii) an act of God.

(c) Eligibility for compensation

A vessel owner is not eligible for compensation under this section with respect to fishing vessel or fishing gear damage, loss, or destruction unless such owner—

(1) makes application to the Secretary for compensation under this section within sixty days after the day on which the damage, loss, or destruction occurred or was first noticed by the owner;

(2) pays upon making such application a reasonable administrative fee which the Secretary shall deposit into the fund;

(3) has, in such form as the Secretary shall prescribe by regulation, a current inventory or other evidence of possession of the fishery vessel or fishing gear concerned;

(4) has complied with all applicable regulations, if any, relating to the marking of, and (if appropriate) the notification of the location of, the fishing gear concerned; and

(5) is in compliance with such other regulations as may be prescribed by the Secretary to carry out this section.

(d) Application for compensation; initial determination of eligibility; amount of compensation; review of initial determination; subrogation of United States upon payment

(1) Application for compensation under this section shall be made in such form and manner, and include such documentation and other evidence relating to the cause and extent of the damage, loss, or destruction claimed, as the Secretary shall prescribe by regulation. The Secretary shall promptly, but not later than sixty days after receipt of an application, consider,

and issue an initial determination with respect to, the application.

(2) The amount of compensation awarded to any vessel owner under this section shall be—

(A) determined on the basis of the depreciated replacement cost, or the repair cost, whichever cost is less, of the fishing vessel or fishing gear concerned;

(B) proportionally reduced to the extent that evidence indicates that negligence by the vessel owner contributed to the cause or extent of the damage, loss, or destruction; and

(C) reduced by the amount of compensation, if any, which the vessel owner has received or will receive with respect to the damage, loss, or destruction through insurance, pursuant to any other provision of law, or otherwise.

(3) The initial determination made by the Secretary under paragraph (1) with respect to any application shall—

(A) if the application is disapproved, set forth the reasons therefor; or

(B) if the application is approved, set forth the amount of compensation to which the applicant is entitled and the basis on which such amount was determined.

(4) Any vessel owner who is aggrieved by any decision of the Secretary contained in the initial determination of the Secretary regarding such owner's application may, within thirty days after the date of issue of the initial determination, petition the Secretary for a review of the decision. If petition for review is not made to the Secretary within such thirty-day period regarding the initial determination, the initial determination shall be deemed to be the final determination on the application. Before undertaking any such review, the Secretary shall provide to the vessel owner opportunity to submit additional written or oral evidence relating to the decision. After review the Secretary shall issue a final determination with respect to the application.

(5) If compensation is awarded under the final determination on any application, the Secretary shall promptly pay from the fund to such owner the amount of compensation stated in the final determination. Upon the acceptance of such payment by the vessel owner, the United States shall be subrogated to all rights of the vessel owner with respect to which the payment is made.

(e) Surcharge on foreign fishing vessels

In addition to any fee imposed under section 204(b)(10) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1824(b)(10)) with respect to any foreign fishing vessel for any year after 1978, the Secretary shall impose a surcharge in an amount not to exceed 20 percent of the amount of the fee imposed under such section for such year. The failure to pay any surcharge imposed under this subsection with respect to any foreign fishing vessel shall be treated by the Secretary as a failure to pay the fee for such vessel under such section 204(b)(10).

(f) Fishing Vessel and Gear Damage Compensation Fund; requirements, etc.

(1) There is established in the Treasury of the United States the Fishing Vessel and Gear Damage Compensation Fund. The fund shall be available without fiscal year limitation as a revolving fund for the purposes of administering, and paying compensation awarded under, this section.

(2) The fund shall consist of—

(A) all sums recovered by the United States in the exercise of rights subrogated to it under subsection (d)(5) of this section;

(B) all administrative fees collected under subsection (c)(2) of this section;

(C) all surcharges collected under subsection (e) of this section;

(D) revenues received from deposits or investments made under the last sentence of this paragraph; and

(E) any revenue acquired through the issuance of obligations under paragraph (3).

Sums may be expended from the fund only to such extent and in such amounts as are provided in advance in appropriation Acts. Sums in the fund which are not currently needed for the purpose of paying such awards shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(3) Whenever the amount in the fund is not sufficient to pay compensation under this section, the Secretary may issue, in an amount not to exceed $5,000,000, notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such notices [1] or other obligations shall bear interest at a rate to be determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notices [1] or other obligations. Moneys obtained by the Secretary under this paragraph shall be deposited in the fund and redemptions of any such notices [1] or other obligations shall be made from the fund. The Secretary of the Treasury shall purchase any such notes or other obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act. The Secretary of the Treasury may sell any such notices [1] or other obligations at such times and prices and upon such terms and conditions as he shall determine. All purchases, redemptions, and sales of such notes or other obligations by the Secretary of the Treasury shall be treated as public debt transactions of the United States. All borrowing authority contained herein shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(g) Penalty for false or misleading statements

Any person who willfully makes any false or misleading statement or representation for the

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[1] So in original. Probably should be "notes".

purpose of obtaining compensation under this section is guilty of a criminal offense and, upon conviction thereof, shall be punished by a fine of not more than $25,000, or by imprisonment for not more than one year, or both.

(Aug. 27, 1954, ch. 1018, § 10, as added Nov. 18, 1977, Pub. L. 95-194, § 2, 91 Stat. 1413, and amended Sept. 18, 1978, Pub. L. 95-376, § 3(a), 92 Stat. 715.)

REFERENCES IN TEXT

The Fishery Conservation and Management Act of 1976, referred to in subsec. (b)(1)(A), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, which is classified principally to chapter 38 (§ 1801 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 16 and Tables.

The Second Liberty Bond Act, as amended, referred to in subsec. (f)(3), is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended. For classification of this Act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-376 substituted provisions defining "fishery", "fishing conservation zone", "fishing", "fishing vessel", "Secretary", "vessel of the United States", "fishing gear" and "fund" for provisions authorizing the Secretary to make a loan to an owner or operator whose commercial fishing vessel or its fishing gear was lost, damaged or destroyed by any vessel of a foreign nation.

Subsec. (b). Pub. L. 95-376 substituted provisions setting forth the causes of the damage, loss, or destruction of the vessel or its gear for which compensation is payable for provisions authorizing the Secretary to conduct an investigation of each incident of loss, damage or destruction for which the owner received a loan and allowing for repayment or cancellation of such loan depending on fault or nonfault of owner.

Subsec. (c). Pub. L. 95-376 substituted provisions setting forth the administrative provisions for making a claim for compensation for provisions directing the Secretary, with the assistance of the Attorney General, the Secretary of State, and the claimant, to take appropriate action to collect on any rights assigned to him, and directing how any sums recovered shall be dispensed.

Subsec. (d). Pub. L. 95-376 substituted provisions setting forth the form, manner and documentation of the application, the amount of compensation payable, procedure for review of the initial determination of eligibility and prompt payment upon finding of such eligibility for provisions defining "Secretary" as the "Secretary of Commerce".

Subsec. (e). Pub. L. 95-376 substituted provisions authorizing the imposition of a maximum 20 per cent surcharge in addition to any fee imposed under section 1824(b)(10) of title 16 for provisions authorizing the Secretary to establish by regulation fees to recover the cost of administering this section.

Subsecs. (f), (g). Pub. L. 95-376 added subsecs. (f) and (g).

EFFECTIVE DATE OF 1978 AMENDMENT

Section 3(b) of Pub. L. 95-376 provided that: "The amendment made by subsection (a) [amending this section] shall take effect January 1, 1979."

SAVINGS PROVISIONS

Section 3(c) of Pub. L. 95-376 provided that: "Nothing in the amendment made by subsection (a) [amending this section] shall be construed as affecting in any manner or to any extent any loan made under section 10 of the Fishermen's Protective Act of 1967 (as in effect before January 1, 1979) [this section], and, for purposes of the consideration by the Secretary of Commerce of any application for a loan under such section which was filed, but not acted on, before January 1, 1979, the amendment made by subsection (a) shall not be deemed to have been enacted."

CHAPTER 28—INTERNATIONAL ATOMIC ENERGY AGENCY PARTICIPATION

§ 2022. Purpose of participation; reports to Congress

The participation of the United States in the International Atomic Energy Agency shall be consistent with and in furtherance of the purposes of the Agency set forth in its Statute and the policy concerning the development, use, and control of atomic energy set forth in the Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 et seq.]. The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress on the activities of the International Atomic Energy Agency and on the participation of the United States therein. In addition to any other requirements of law, the Department of State and the Atomic Energy Commission shall keep the Joint Committee on Atomic Energy, the House Committee on Foreign Affairs, and the Senate Committee on Foreign Relations, as appropriate, currently informed with respect to the activities of the Agency and the participation of the United States therein.

(As amended H. Res. 89, Feb. 5, 1979.)

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs on Feb. 5, 1979, by House Resolution 89, 96th Congress.

ABOLITION OF THE ATOMIC ENERGY COMMISSION

The Atomic Energy Commission was abolished and all functions were transferred to the Administrator of the Energy Research and Development Administration (unless otherwise specifically provided) by section 5814 of Title 42, The Public Health and Welfare. The Energy Research and Development Administration was terminated and functions vested by law in the Administrator thereof were transferred to the Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of Title 42.

ABOLITION OF JOINT COMMITTEE ON ATOMIC ENERGY

The Joint Committee on Atomic Energy, referred to in text, was abolished by section 2258 of, Title 42, The Public Health and Welfare and references to the Joint Committee are deemed, on or after Sept. 20, 1977, to refer to the Committees of the Senate or House of Representatives which, under the rules of the Senate or House, have jurisdiction over the subject matter with records and files of the Joint Committee being transferred to the respective committees of the House or Senate.

§ 2025. Effect of employment on retirement, insurance, and other civil service rights and privileges

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

EX. ORD. NO. 10774. CIVIL-SERVICE RIGHTS OF FEDERAL PERSONNEL WHO TRANSFER TO THE INTERNATIONAL ATOMIC ENERGY AGENCY

Ex. Ord. No. 10774, July 25, 1958, 23 F.R. 5681, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

SECTION 1. Subject to the restrictions and conditions set forth herein, the Office of Personnel Management is designated and empowered to exercise the authority vested in the President by section 6(c) of the International Atomic Energy Agency Participation Act of 1957 [subsection (c) of this section] (hereinafter referred to as the Act) to prescribe such regulations as may be necessary to carry out the provisions of section 6 of the Act [this section] and to protect the retirement, insurance, and other civil-service rights and privileges of any Federal employee, Presidential appointee, or elected officer who enters the employ of the International Atomic Energy Agency (hereinafter referred to as the Agency) pursuant to the provisions of section 6 of the Act [this section].

[See main edition for text of Sec. 2]

SEC. 3. The regulations prescribed pursuant to section 1 of this order shall provide for the following protections and benefits:

[See main edition for text of (a) to (d)]

(e) The right of appeal to the Merit Systems Protection Board by any Federal employee who enters the employ of the Agency pursuant to section 6(a) of the Act [subsection (a) of this section] and who is denied re-employment. The decision of the Merit Systems Protection Board on the appeal shall be final, and the department or agency concerned shall take the action necessary to effectuate the decision of the Merit Systems Protection Board.

[See main edition for text of Secs. 4 and 5]

CHAPTER 29—CULTURAL AND TECHNICAL INTERCHANGE CENTERS

SUBCHAPTER I—CENTER BETWEEN EAST AND WEST

§ 2054. Statement of purpose

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(7), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 2055. Duties of Director of International Communication Agency; establishment and operation of educational institution; grants, fellowships, and scholarships; availability of facilities

In order to carry out the purpose of this subchapter the Director of the International Communication Agency (hereinafter referred to as the "Director") shall provide for—

[See main edition for text of (1) to (4)]

(As amended 1977 Reorg. Plan No. 2, § 7(a)(7), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director of the International Communication Agency" and "Director" were substituted for "Secretary of State" and "Secretary", respectively, in text preceding par. (1), pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(7), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency.

§ 2056. Administration

(a) Authority

In carrying out the provisions of this subchapter, the Director may utilize his authority under the provisions of the United States Information and Educational Exchange Act of 1948, as amended [22 U.S.C. 1431 et seq.].

(b) Gifts, bequests, and devises

The Director may, in administering the provisions of this subchapter, accept from public and private sources money and property to be utilized in carrying out the purposes and functions of the Center. In utilizing any gifts, bequests, or devises accepted there shall be available to the Director the same authorities as are available to him in accepting and utilizing gifts, bequests, and devises to the Foreign Service Institute under the provisions of section 809 of this title. For the purposes of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted by the Director under the authority of this subchapter shall be deemed to be a gift, devise, or bequest to or for the use of the United States.

(c) Report to Congress

The Director shall make an annual report to the Congress with respect to his activities under the provisions of this subchapter, and such report shall include any recommendations for needed revisions in this subchapter.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(7), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director" was substituted for "Secretary" in subsecs. (a), (b), and (c), pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(7), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, to the Director of the International Communication Agency.

§ 2057. Authorization of appropriations

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(7), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

CHAPTER 30—INTERNATIONAL COOPERATION IN HEALTH AND MEDICAL RESEARCH

§ 2102. Authority of Secretary

TRANSFER OF FUNCTIONS

For transfer of functions and offices relating to the Rehabilitation Act of 1973 of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education and the redesignation of the Secretary of Health, Education, and Welfare as the Secretary of Health and Human Services, see sections 3441 and 3508 of Title 20, Education.

§ 2103. Authority of President

CHANGE OF NAME

The Secretary and Department of Health, Education, and Welfare were redesignated the Secretary and Department of Health and Human Services by section 3508 of Title 20, Education.

TRANSFER OF FUNCTIONS

The Office of Vocational Rehabilitation was redesignated the Vocational Rehabilitation Administration which by Department of Health, Education, and Welfare reorganization became the Rehabilitation Services Administration. The Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) established the Rehabilitation Services Administration in the Office of the Secretary of Health, Education, and Welfare. The functions and offices of the Secretary and Department of Health, Education, and Welfare relating to the Rehabilitation Act of 1973 were transferred to the Secretary and Department of Education by section 3441 of Title 20, Education.

§ 2104. Authority of Federal officers and agencies unaffected

CHANGE OF NAME

The Secretary and Department of Health, Education, and Welfare were redesignated the Secretary and Department of Health and Human Services by section 3508 of Title 20, Education.

CHAPTER 31—INTERNATIONAL TRAVEL

Sec.
2128. United States Travel Service; reduction in number of employees in District of Columbia offices [New].

§ 2126. Authorization of appropriations

For purposes of carrying out the provisions of this chapter, there is authorized to be appropriated an aggregate amount not in excess of (1) $15,000,000 for the fiscal year ending June 30, 1974; (2) $20,000,000 for the fiscal year ending June 30, 1975; (3) $25,000,000 for the fiscal year ending June 30, 1976; (4) $5,000,000 for the transition period of July 1, 1976, through September 30, 1976; (5) $25,000,000 for the fiscal year ending September 30, 1977; (6) $30,000,000 for the fiscal year ending September 30, 1978; (7) $30,000,000 for the fiscal year ending September 30, 1979; and (8) $8,000,000 for the fiscal year ending September 30, 1980. Funds appropriated under this section shall be available without regard to the provisions of section 501 and 3702 of title 44. Funds appropriated under this section for printing of travel promotion materials are authorized to be made available for two fiscal years.

(As amended Pub. L. 96-85, § 1, Oct. 10, 1979, 93 Stat. 655.)

AMENDMENTS

1979—Pub. L. 96-85 added provision authorizing an appropriation of an aggregate amount not in excess of $8,000,000 for the fiscal year ending Sept. 30, 1980.

§ 2128. United States Travel Service; reduction in number of employees in District of Columbia offices

The Secretary shall reduce the number of employees of the United States Travel Service in the offices of such Service in the District of Columbia, in order that the total number of such employees as of September 1, 1979, and thereafter, does not exceed 40 per centum of the total number of such employees as of December 31, 1978.

(Pub. L. 87-63, § 9, as added Pub. L. 96-85, § 2, Oct. 10, 1979, 93 Stat. 655.)

CHAPTER 32—FOREIGN ASSISTANCE

SUBCHAPTER I—INTERNATIONAL DEVELOPMENT

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(b) Form of assistance; principles governing assistance.
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2151n-1. Americans incarcerated abroad; report to Speaker of the House and chairman of the Committee on Foreign Relations of the Senate [New].
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2151r. Sahel development program; planning [New].
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2151s. Sahel development program; implementation [New].
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2151t. Development assistance authority [New].
(a) Authority of President to furnish assistance.
(b) Authority of President to make loans; terms and conditions.
(c) Dollar receipts from loans to be paid into Treasury.
(d) Assistance to research and educational institutions in United States; limitation on amounts.
(e) Development Loan Committee; establishment; duties; appointment of officers.
2151u. Private and voluntary organizations and cooperatives in overseas development [New].
(a) Congressional finding of importance of participation by private and voluntary organizations.
(b) Payment of transportation charges on shipments by American National Red Cross and United States voluntary agencies.

Sec.
(c) Reimbursement for transportation charges.
(d) Arrangements with receiving country for free entry of shipments and for availability of local currency to defray transportation costs.
2151v. Aid to relatively least developed countries [New].
(a) Characterization of least developed countries.
(b) Assistance on grant basis.
(c) Waiver of principal and interest on prior liability.
(d) Waiver of requirement of contribution.
(e) Waiver of time limitations on aid.
2151w. Project and program evaluations [New].
2151x. Development and illicit narcotics production [New].
(a) Congressional statement of findings.
(b) Program planning priorities.
(c) Administrative requirements.
2151y. Accelerated loan repayments; annual review of countries with bilateral concessional loan balances; priority of determinations respecting negotiations with countries having balances; criteria for determinations [New].

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2200. Small business development in less developed friendly countries or areas; encouragement by other Federal departments, etc., of broadened participation by United States small business cooperatives and investors; project funding [New].

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PART IX—INTERNATIONAL DISASTER ASSISTANCE

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2292*l*. Assistance to African refugees; authorization of appropriations [New].
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(a) Congressional recognition and statement of purpose; authority of President; scope of assistance.
(b) Assistance through International agencies and private voluntary organizations.
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(d) Authorization of appropriations; charges for obligations incurred under other appropriations or accounts; authority for transfer of funds; agricultural commodity assistance priorities.
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(c) Authorization of appropriations; availability.

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Sec.
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1975, 2428b, 2601, 2751, 2771, 2775, 3501, 3503 of this title; title 7 section 1727b; title 13 section 301; title 40 section 483.

SUBCHAPTER I—INTERNATIONAL DEVELOPMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 290f, 2151-1, 2151b, 2151k, 2151n, 2151p, 2151t, 2151u, 2151v, 2151x, 2151y, 2162, 2169, 2178, 2179, 2180, 2182a, 2183, 2191, 2192, 2199, 2218, 2221, 2261, 2293, 2304, 2346, 2348c, 2351, 2354, 2355, 2357, 2358, 2361, 2362, 2384, 2385, 2385a, 2391, 2392, 2394, 2395, 2396, 2421, 2427 of this title.

PART I—DECLARATION OF POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2183, 2201, 2218, 2261, 2293, 2346, 2346b, 2357, 2358, 2361, 2370, 2394, 2395, 2396, 2399d, 2413 of this title.

§ 2151. Congressional findings and declaration of policy

(a) The Congress finds that fundamental political, economic, and technological changes have resulted in the interdependence of nations. The Congress declares that the individual liberties, economic prosperity, and security of the people of the United States are best sustained and enhanced in a community of nations which respect individual civil and economic rights and freedoms and which work together to use wisely the world's limited resources in an open and equitable international economic system. Furthermore, the Congress reaffirms the traditional humanitarian ideals of the American people and renews its commitment to assist people in developing countries to eliminate hunger, poverty, illness, and ignorance.

Therefore, the Congress declares that a principal objective of the foreign policy of the United States is the encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives.

United States development cooperation policy should emphasize four principal goals:

(1) the alleviation of the worst physical manifestations of poverty among the world's poor majority;

(2) the promotion of conditions enabling developing countries to achieve self-sustaining economic growth with equitable distribution of benefits;

(3) the encouragement of development processes in which individual civil and economic rights are respected and enhanced; and

(4) the integration of the developing countries into an open and equitable international economic system.

The Congress declares that pursuit of these goals requires that development concerns be fully reflected in United States foreign policy and that United States development resources be effectively and efficiently utilized.

(b) Under the policy guidance of the Secretary of State, the Director of the United States International Development Cooperation Agency should have the responsibility for coordinating all United States development-related activities.

(Pub. L. 87-195, pt. I, § 101, formerly § 102, Sept. 4, 1961, 75 Stat. 424; Pub. L. 87-565, pt. I, § 101, Aug. 1, 1962, 76 Stat. 255; Pub. L. 88-205, pt. I, § 101(c), Dec. 16, 1963, 77 Stat. 379; Pub. L. 89-171, pt. I, § 101, Sept. 6, 1965, 79 Stat. 653; Pub. L. 89-583, pt. I, § 101, Sept. 19, 1966, 80 Stat. 796; Pub. L. 90-137, pt. I, § 101, Nov. 14, 1967, 81 Stat. 445; Pub. L. 93-189, § 2(2), Dec. 17, 1973, 87 Stat. 714; Pub. L. 94-161, title III, § 301, Dec. 20, 1975, 89 Stat. 855; Pub. L. 95-88, title I, §§ 101, 113(b), Aug. 3, 1977, 91 Stat. 533, 538; renumbered and amended Pub. L. 95-424, title I, § 101, Oct. 6, 1978, 92 Stat. 937; 1979 Reorg. Plan No. 2, § 6(b)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-424, in setting forth a new declaration of policy generally substituted four principal goals of development cooperation policy, they being (1) the alleviation of the worst manifestations of poverty, (2) self-sustained economic growth, (3) respect for civil and economic rights, and (4) the integration of the developing countries into an open and equitable economic system, for former seven pars. relating to: (1) primary responsibility for development being in the less developed countries themselves; (2) the active involvement of many countries; (3) the encouragement of regional cooperation; (5) assistance being of such nature as to help United States balance of payments; (6) furnishing of assistance in such manner as to promote efficiency, and (7) the furnishing of agricultural commodities, etc., to complement assistance under this subchapter.

Subsec. (b). Pub. L. 95-424 substituted provisions relating to the responsibility of the agency primarily responsible for administering the program for coordination of all development related activities, for former seven criteria for restructuring relationships with less developed countries, those criteria being: (1) sharing of technical expertise; (2) focusing on critical problems affecting the majority of the people; (3) use of the private sector; (4) development goals as the responsibility of each sovereign nation; (5) priority to undertakings directly improving the lives of the poorest people; (6) private investment in development programs; and (7) responsibility for coordination of activi-

ties with the agency having primary responsibility for administering this part.

Subsecs. (c) to (e). Pub. L. 95–424 struck out subsecs. (c) to (e).

1977—Subsec. (a). Pub. L. 95–88, § 113(b)(1), added "environment and natural resources" to the enumeration of fundamental needs of the people of less developed countries which development assistance must be used in meeting.

Subsec. (b)(2). Pub. L. 95–88, § 113(b)(2), added "environment and natural resources;" following "population planning and health;".

Subsec. (d). Pub. L. 95–88, § 101(a), substituted provisions under which the President developed the criteria and factors to be used in assessing the commitment and progress of countries in meeting the objectives set forth in subsec. (c) and transmitted a report by Jan. 31, 1978, to the Speaker of the House and to the Committee on Foreign Relations of the Senate for provisions under which the President had established the criteria without Congressional involvement.

Subsec. (e). Pub. L. 95–88, § 101(b), added subsec. (e).

EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96–53, title V, § 512, Aug. 14, 1979, 93 Stat. 380, provided that:

"(a) Except as provided in subsection (b) of this section and in section 503(b) [set out as an Effective Date of 1979 Amendment note under section 2385a of this title] this Act [see Short Title of 1979 Amendments note below] shall take effect on October 1, 1979.

"(b) Sections 114(b) [not classified to the Code], 123 [amending a provision set out as a note below], 501 [not classified to the Code], and 509 [set out as a note below] of this Act shall take effect on the date of enactment of this Act [Aug. 14, 1979]."

EFFECTIVE DATE OF 1978 AMENDMENT

Section 605 of Pub. L. 95–424 provided that: "The amendments made by this Act [see Short Title of 1978 Amendment note below] shall take effect on October 1, 1978."

SHORT TITLE OF 1979 AMENDMENTS

Pub. L. 96–92, § 1, Oct. 29, 1979, 93 Stat. 701, provided that: "This Act [enacting sections 2346d, 2767, and 2768 of this title, amending sections 2261, 2291, 2291a, 2304, 2312, 2318, 2321h to 2321j, 2346 to 2346c, 2347a, 2348, 2348a, 2403, 2753, 2761, 2765, 2771, 2773, 2776, 2778, 2792, and 2794 of this title, and enacting provisions set out as notes under sections 2151, 2321h, 2346c, 2771, 2776, and 3302 of this title] may be cited as the 'International Security Assistance Act of 1979'."

Pub. L. 96–53, § 1, Aug. 14, 1979, 93 Stat. 359, provided that: "This Act [enacting sections 2151x, 2151y, 2374, and 3501 to 3513 of this title, and sections 1736g of Title 7, Agriculture, amending sections 2151–1, 2151a to 2151d, 2151i, 2151k, 2151n, 2151p, 2151q, 2151s, 2151u, 2151v, 2174, 2182, 2182a, 2183, 2220b, 2222, 2292a, 2292*l*, 2304, 2357, 2361, 2385a, 2395, 2399c, 2421, 2427, 2502, and 2506 of this title, sections 5314 to 5316 and 5924 of Title 5, Government Organization and Employees, and sections 1703, 1704, 1722, 1726, 1727, 1727a, 1727b, 1727d to 1727f, 1731, and 1734 of Title 7, and enacting provisions set out as notes under sections 2151, 2151n, 2151y, 2312, 2385a, and 3201 of this title] may be cited as the 'International Development Cooperation Act of 1979'."

SHORT TITLE OF 1978 AMENDMENTS

Section 1 of Pub. L. 95–424 provided that: "This Act [enacting sections 2151–1, 2151t, 2151u, 2151v, 2151w, 2201, 2292*l*, 2335a, 2393a, 2394–1, 2394–1a and 2395a of this title, amending sections 2151, 2151a, 2151a–1, 2151b, 2151c, 2151d, 2151e, 2151g, 2151h, 2151k, 2151n, 2151p, 2151q, 2151r, 2174, 2181, 2182, 2182a, 2183, 2213, 2220a, 2220d, 2221, 2222, 2292, 2292a, 2292i, 2292k, 2351, 2357, 2358, 2361, 2370, 2381a, 2384, 2394, 2395, 2396, 2397, 2399c, 2403, 2421, and 2427 of this title and sections 1703, 1706, 1727c, and 1727d of Title 7, Agriculture, repealing sections 2151f, 2151*l*, 2151m, 2151o, 2161, 2162, 2164, 2167, 2168, 2171, 2172, 2175, 2176, 2177, 2178, 2180, 2180a, 2211, 2212, 2213, 2216, 2217, 2217a, 2219, 2219a, 2220, 2224, 2271, 2281, 2292d, 2292g, 2368, 2369, 2408, 2410, 2415, 2416, 2417, 2418, and 2425 of this title, and enacting provisions set out as notes under this section and sections 2151v, 2151u, 2222, 2292d, and 2395 of this title and section 1711 of Title 7] may be cited as the 'International Development and Food Assistance Act of 1978'."

Pub. L. 95–384, § 1, Sept. 26, 1978, 92 Stat. 730, provided that: "This Act [which enacted sections 2348 to 2348c, 2373, 2417, 2428b, and 2766 of this title, amended sections 1754, 2261, 2291, 2291a, 2304, 2312, 2321b, 2321h to 2321j, 2346 to 2346c, 2347a, 2347b, 2360, 2372, 2413, 2429, 2429a, 2751, 2761, 2762, 2765, 2771, and 2776 of this title and section 2403 of Title 50, Appendix, War and National Defense, repealed sections 2441 to 2443 of this title, and enacted provisions set out as notes under sections 287c, 1754, 2151, 2291, 2311, 2346, 2346a, 2370, and 2751 of this title] may be cited as the 'International Security Assistance Act of 1978'."

Pub. L. 95–268, § 1, Apr. 24, 1978, 92 Stat. 213, provided that: "This Act [enacting section 2200 of this title and amending sections 2191, 2194, 2195, 2197, 2199, and 2200a of this title] may be cited as the 'Overseas Private Investment Corporation Amendments Act of 1978'."

SHORT TITLE OF 1977 AMENDMENTS

Pub. L. 95–92, § 1, Aug. 4, 1977, 91 Stat. 614, provided that: "This Act [enacting sections 2294, 2346b, 2372, and 2429a of this title, amending sections 2261, 2291a, 2312, 2321h to 2321j, 2346, 2346a, 2347a, 2370, 2391, 2429, 2443, 2753, 2771, 2778, and 2792 of this title, and enacting provisions set out as notes under sections 2151, 2346, 2370, 2406, 2431, and 2751 of this title] may be cited as the 'International Security Assistance Act of 1977'."

Section 1 of Pub. L. 95–88 provided that: "This Act [enacting sections 2151*o* to 2151s, 2292k, and 2429b of this title and sections 1712, 1713, 1714, and 1727 to 1727f of Title 7, Agriculture, amending sections 2151, 2151a, 2151b, 2151c, 2151d, 2151g, 2151h, 2151i, 2151k, 2151*l*, 2151m, 2151n, 2174, 2181, 2182, 2182a, 2183, 2222, 2225, 2292a, 2292h, 2357, 2370, 2384, 2385, 2386, 2399c, 2421, and 2427 of this title, section 5315 of Title 5, Government Organization and Employees, and sections 1427, 1431, 1692, 1702, 1703, 1706, 1711, 1721, 1722, 1723, 1726, 1731, and 1736b of Title 7, repealing section 2424 of this title, and enacting provisions set out as notes under sections 2151, 2151b, 2151i, 2174, 2357, and 2384 of this title and sections 1702, 1708, and 1722 of Title 7] may be cited as the 'International Development and Food Assistance Act of 1977'."

TRANSFER OF FUNCTIONS

"The Director of the United States International Development Cooperation Agency" was substituted for "the agency primarily responsible for administering subchapter I of this chapter" in subsec. (b), pursuant to Reorg. Plan No. 2 of 1979, § 6(b), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, as provided by section 1-101 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title, which transferred all functions and authorities of the agency primarily responsible for administering subchapter I of this chapter under subsec. (b) of this section to the Director of the United States International Development Cooperation Agency.

All functions and authorities vested in the Secretary of State pursuant to subsec. (b) of this section insofar as it relates to policy guidance other than foreign policy guidance were transferred to the Director of the United States International Development Cooperation Agency by section 6(c)(1) of Reorg. Plan No. 2 of 1979, set out as a note under section 2381 of this title.

ASSISTANCE FOR JORDAN

Pub. L. 96-92, § 25, Oct. 29, 1979, 93 Stat. 711, provided that: "Funds authorized to be appropriated by the amendments made by sections 5, 9, and 17 of this Act [amending sections 2312, 2318, 2321j, 2347a, and 2771 of this title and enacting a provision set out as a note under section 2771 of this title] may be used to furnish assistance for Jordan only if the President determines and reports to the Congress that Jordan is acting in good faith to achieve further progress toward a comprehensive peace settlement in the Middle East and that the expenditures of such funds will serve the process of peace in the Middle East."

PROHIBITION ON ASSISTANCE TO PANAMA

Pub. L. 96-92, § 28, Oct. 29, 1979, 93 Stat. 711, provided that: "None of the funds authorized to be appropriated by this Act [see Short Title of 1979 Amendment note above] shall be made available to the Republic of Panama or its agencies or instrumentalities. The President may waive this prohibition in order to provide assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (international military education and training) [section 2347 et seq. of this title], or to provide assistance under section 23 or 24 of the Arms Export Control Act (foreign military sales financing) [sections 2763 or 2764 of this title] involving the financing of sales of defense articles (other than weapons) and defense services, if the President determines that providing such assistance would further the national interests of the United States and reports that determination to the Congress at least 30 days before providing such assistance."

ASSISTANCE TO LATIN AMERICAN AND CARIBBEAN COUNTRIES

Pub. L. 96-53, title I, § 125, Aug. 14, 1979, 93 Stat. 367, provided that: "It is the sense of the Congress that the United States should place greater emphasis on public and private resources for development programs in Latin America and the Caribbean which address problems common to the Western Hemisphere. It is further the sense of the Congress that provision of such assistance to Latin American and Caribbean countries, including transitional developing countries, is consistent with the purposes of part I of the Foreign Assistance Act of 1961 [this subchapter]."

[Section effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note above.]

PRESIDENTIAL NEGOTIATIONS FOR INCREASED CONTRIBUTIONS BY OTHER NATIONS FOR DEVELOPMENT ASSISTANCE

Pub. L. 96-53, title I, § 126, Aug. 14, 1979, 93 Stat. 368, provided that: "In recognition of the rapidly growing economic strength and ability to contribute to international development and security efforts of other nations, it is the sense of the Congress that the President should take all appropriate steps to negotiate with those nations with adequate financial resources to provide assistance to increase their contributions for development assistance through multilateral programs as well as through bilateral efforts."

[Section effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note above.]

PROHIBITION ON ASSISTANCE TO SOCIALIST REPUBLIC OF VIETNAM, CAMBODIA, OR CUBA

Pub. L. 96-53, title V, § 506, Aug. 14, 1979, 93 Stat. 378, provided that: "Funds authorized to be appropriated in this Act [see Short Title of 1979 Amendment note above] shall not be used for any form of aid, either by monetary payment or by the sale or transfer of any goods of any nature, to the Socialist Republic of Vietnam, Cambodia, or Cuba."

[Section effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note above.]

SOUTHEAST ASIA REFUGEE CRISIS; STATEMENT OF FINDINGS AND POLICY GOALS; STUDY AND REPORT TO CONGRESS CONCERNING RESETTLEMENT, ETC.

Pub. L. 96-53, title V, § 509, Aug. 14, 1979, 93 Stat. 379, provided that:

"(a)(1) The refugee crisis in Indochina is unfolding as one of the great human tragedies of our time.

"(2) At least seven hundred and fifty thousand human beings have fled Vietnam, Kampuchea, and Laos since the spring of 1975.

"(3) Approximately three hundred thousand human beings currently remain in refugee camps throughout Southeast Asia.

"(4) As many as two hundred and fifty thousand human beings may have perished in their attempts to reach freedom and many thousands more face death should the present situation continue.

"(5) The international borders are closing to the refugees fleeing from Indochina.

"(6) The international community has failed to respond adequately to the crisis, despite the existence of adequate mechanisms to respond.

"(b) It is the sense of the Congress that the President should continue to support the efforts of the Secretary General of the United Nations to use appropriate fora to deal with the refugee crisis in Southeast Asia.

"(c) The President shall study the prospects for permanent resettlement of Indochinese refugees, in conjunction with bilateral and multilateral development assistance programs, so that no disruption of the economy of a host country would result. The President shall periodically report the results of this study to the Congress, with a preliminary report to be submitted no later than one hundred and twenty days after the date of enactment of this Act [Aug. 14, 1979]."

[Section effective Aug. 14, 1979, see section 512(b) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note above.]

GENOCIDE DISASSOCIATION PROPOSAL

Pub. L. 95-435, § 5(a) to (c), Oct. 10, 1978, 92 Stat. 1052, as amended by Pub. L. 96-67, § 2(a), Sept. 21, 1979, 93 Stat. 415, provided that:

"(a) [Repealed.]

"(b) It is the sense of the Congress that the Government of the United States should take steps to disassociate itself from any foreign government which engages in the international crime of genocide.

"(c) [Repealed.]"

INTERNATIONAL SANCTIONS OF UGANDA

Pub. L. 95-435, § 5(e), Oct. 10, 1978, 92 Stat. 1053, which directed the President to encourage and support international actions, including economic restrictions, to respond to conditions in the Republic of Uganda, was repealed by Pub. L. 96-67, § 2(a), Sept. 21, 1979, 93 Stat. 415.

MULTILATERAL AND BILATERAL ACTION TO HALT ATROCITIES IN CAMBODIA AND UGANDA

Pub. L. 95-426, title VI, § 610, Oct. 7, 1978, 92 Stat. 989, provided that:

"(a) The Congress finds that reliable reports of events in Cambodia and Uganda attest to the existence of governmental practices in those countries of such systematic and extensive brutality as to require special notice and continuing condemnation by outside observers.

"(b) Recognizing the limited direct influence of the United States in Cambodia and Uganda, the Congress urges the President to move aggressively to support multilateral action by the United Nations and other international organizations, and to encourage bilateral action by countries having more extensive relations with Cambodia and Uganda, to bring an end to the brutal and inhumane practices of the governments of those two countries.

"(c) Not later than January 20, 1979, the Secretary of State shall transmit to the Speaker of the House of

Representatives and the chairman of the Committee on Foreign Relations of the Senate a report describing fully and completely actions taken pursuant to subsection (b).

"(d) It is the sense of the Congress that the President should—

"(1) prohibit the export of military, paramilitary, and police equipment to Uganda;

"(2) direct that the visa application of any official or employee of the Government of Uganda seeking to enter the United States for the purpose of military, paramilitary, or police training, may be approved by a consular officer only after the appropriate official of the Department of State in Washington has reviewed the application and has determined that the Government of Uganda has demonstrated a proper respect for the rule of law and for internationally recognized human rights; and

"(3) instruct the Permanent Representative of the United States to the United Nations to submit to the Security Council of the United Nations for its consideration a resolution imposing a mandatory arms embargo on Uganda by all members of the United Nations."

Aid or Reparations to Vietnam Prohibited

Pub. L. 95–426, title VII, § 705, Oct. 7, 1978, 92 Stat. 992, provided that:

"(a) None of the funds authorized to be appropriated in this Act [Pub. L. 95–426, Oct. 7, 1978, 92 Stat. 965] may be used for the purpose of reparations, aid, or any other form of payment to the Socialist Republic of Vietnam.

"(b) The President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam."

Similar provisions were contained in Pub. L. 95–105, title V, § 505, Aug. 17, 1977, 91 Stat. 858.

Restriction on Use of Funds to Implement Panama Canal Treaties

Pub. L. 95–426, title VII, § 709, Oct. 7, 1978, 92 Stat. 993, provided that: "None of the funds authorized to be appropriated by this Act [Pub. L. 95–426, Oct. 7, 1978, 92 Stat. 965] may be used directly or indirectly to effect implementation of the Panama Canal Treaty or the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, each signed on September 7, 1977, unless authorized by the Constitution or by Act of Congress."

Coordination and Administration of Development-Related Programs and Policies of the United States

Pub. L. 95–424, title III, §§ 301 to 303, Oct. 6, 1978, 92 Stat. 955, which directed that, since the United States, in the formulation and implementation of governmental policies, should place higher priority on efforts to meet the legitimate needs of poor countries for improving the quality of their populations and that greater effectiveness and efficiency of United States assistance to these countries can be achieved through improved coordination and administrative consolidation, the President institute a strengthened system of coordination of all United States economic policies concerning international trade commodity agreements, investment, debt, international financial institutions, international and multilateral development agencies and programs, and concessional and grant food assistance, in addition to policies concerning United States bilateral economic development assistance and report to the Congress not later than Feb. 1, 1979, on the steps taken to implement the system of coordination and on any legislation needed to achieve these objectives, was omitted from the Code as executed.

Reduction of Authorization of Appropriations

Section 601 of Pub. L. 95–424 provided that the total funds authorized to be appropriated in this Act (excluding funds authorized to be appropriated to carry section 2174 of this title) shall be reduced by 5 percent was omitted from the Code as obsolete.

Prohibition on Assistance to Vietnam, Cambodia, and Cuba

Section 602 of Pub. L. 95–424, as amended by Pub. L. 96–67, § 1(a), Sept. 21, 1979, 93 Stat. 415, provided that: "Notwithstanding any other provision of law or of this Act [see Short Title of 1978 Amendment note above], funds authorized to be appropriated in this Act shall not be used for any form of aid, either by monetary payment or by the sale or transfer of any goods of any nature, to the Socialist Republic of Vietnam, Cambodia, or Cuba."

United States Relations With the Soviet Union; Statement of Findings; Scope of Review of Policy; Participants in Review; Report to Congress

Pub. L. 95–384, § 24, Sept. 26, 1978, 92 Stat. 745, which directed that, since a sound and stable relationship with the Soviet Union will help achieve the objectives of the Foreign Assistance Act of 1961 and the Arms Export Control Act, strengthen the security of the United States, and improve the prospects of world peace, the President, in cooperation with Congress and knowledgeable members of the public, make a full review of United States policy toward the Soviet Union, covering but not limited to, an overall reevaluation of the objectives and priorities of the United States in its relations with the Soviet Union, the sources of United States bargaining power and how that power might be enhanced, linkages between United States-Soviet relations such as arms control negotiations, human rights issues, and economic and cultural exchanges, the current status of strategic arms limitations talks, the current status of other arms control-negotiations, the challenges posed by Soviet and Cuban involvement in developing countries and a study of appropriate policy responses and instruments to meet these challenges, the impact of our relations with the People's Republic of China on our relations with the Soviet Union, the impact of strategic parity on United States obligations under the North Atlantic Treaty, continuation, expansion, or restriction of United States-Soviet economic, technological, scientific, and cultural relations, evolution of Soviet domestic politics and the relationship between those politics and its foreign policy behavior, and what improvements should be made in the institutions and procedures of United States foreign policy to ensure a coherent and effective policy towards the Soviet Union, and report the results of this review to Congress not later than Dec. 31, 1978, was omitted from the Code as executed.

United States-Republic of China Mutual Defense Treaty; Consultation Between Congress and Executive Branch Concerning Policy Changes

Pub. L. 95–384, § 26, Sept. 26, 1978, 92 Stat. 746, provided that:

"(a) The Congress finds that—

"(1) the continued security and stability of East Asia is a matter of major strategic interest to the United States;

"(2) the United States and the Republic of China have for a period of twenty-four years been linked together by the Mutual Defense Treaty of 1954;

"(3) the Republic of China has during that twenty-four-year period faithfully and continually carried out its duties and obligations under that treaty; and

"(4) it is the responsibility of the Senate to give its advice and consent to treaties entered into by the United States.

"(b) It is the sense of the Congress that there should be prior consultation between the Congress and the executive branch on any proposed policy changes affecting the continuation in force of the Mutual Defense Treaty of 1954."

CONTROL OF MILITARY FORCES IN THE INDIAN OCEAN

Pub. L. 94-329, title IV, § 407, June 30, 1976, 90 Stat. 759, as amended by Pub. L. 95-384, § 29(c)(1)(D)), Sept. 26, 1978, 92 Stat. 747, provided that:

"It is the sense of Congress that the President should undertake to enter into negotiations with the Soviet Union intended to achieve an agreement limiting the deployment of naval, air, and land forces of the Soviet Union and the United States in the Indian Ocean and littoral countries. Such negotiations should be convened as soon as possible and should consider, among other things, limitations with respect to—

"(1) the establishment or use of facilities for naval, air, or land forces in the Indian Ocean and littoral countries;

"(2) the number of naval vessels which may be deployed in the Indian Ocean, or the number of 'ship-days' allowed therein; and

"(3) the type and number of military forces and facilities allowed therein."

NEGOTIATIONS WITH CUBA

Pub. L. 95-105, title V, § 511, Aug. 17, 1977, 91 Stat. 861, provided:

"(a) It is the sense of the Congress that any negotiations toward the normalization of relations with Cuba be conducted in a deliberate manner and on a reciprocal basis, and that the vital concerns of the United States with respect to the basic rights and interests of United States citizens whose persons or property are the subject of such negotiations be protected.

"(b) Furthermore, it is the sense of Congress that the Cuban policies and actions regarding the use of its military and paramilitary personnel beyond its borders and its disrespect for the human rights of individuals are among the elements which must be taken into account in any such negotiations."

AUTHORIZATION AND LIMITATIONS FOR FISCAL YEAR 1977 UNAFFECTED BY PUB. L. 95-92

Pub. L. 95-92, § 21, Aug. 4, 1977, 91 Stat. 623, provided that: "Authorizations of appropriations and limitations of authority applicable to the fiscal year 1977 contained in provisions of law amended by this Act [see Short Title of 1977 Amendment Note for Pub. L. 95-92 set out above] shall not be affected by enactment of this Act."

FUTURE UNITED STATES DEVELOPMENT ASSISTANCE

Section 131 of Pub. L. 95-88 provided that: "It is the sense of the Congress that the United States should increase substantially its assistance for self-help development among the world's poorest people. Such assistance should be provided in accordance with the general policies and principles of chapter 1 of part I of the Foreign Assistance Act of 1961 [this part], with particular emphasis on encouraging and supporting more equitable patterns of economic growth, especially in the poorest countries, and should be coordinated with similar expanded efforts by international organizations, donor nations, and the recipient countries themselves."

ASSISTANCE TO SOCIALIST REPUBLIC OF VIETNAM, CAMBODIA, LAOS, OR CUBA PROHIBITED; PERSONS MISSING-IN-ACTION

Section 132 of Pub. L. 95-88 provided that:

"(a) None of the funds authorized to be appropriated by this Act [see Short Title of 1977 Amendment note for Pub. L. 95-88 set out as a note above] may be used for assistance to or reparations for the Socialist Republic of Vietnam, Cambodia, Laos, or Cuba.

"(b) The President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam."

PLAN FOR INCREASED MINORITY BUSINESS PARTICIPATION IN FOREIGN ASSISTANCE ACTIVITIES; MINORITY RESOURCE CENTER SECTION AS IMPLEMENTING ADMINISTRATIVE UNIT; FUNCTIONS, DUTIES, ETC., OF CENTER

Section 133 of Pub. L. 95-88, as amended by Pub. L. 96-53, title I, § 123, Aug. 14, 1979, 93 Stat. 366, provided that:

"(a) The Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [this subchapter] shall prepare and transmit to the Congress, not later than 30 days after the date of enactment of this Act [Aug. 3, 1977], a detailed plan for the establishment of a section on minority business within such agency.

"(b) Such plan shall include, but shall not be limited to—

"(1) a description of where the section on minority business will be located in such agency's organizational structure and what relevant lines of authority will be established;

"(2) a listing of the specific responsibilities that will be assigned to the section on minority business to enable it to increase, in a rational and effective manner, participation of minority business enterprises in activities funded by such agency;

"(3) a design for a time-phase system for bringing about expanded minority business enterprise participation, including specific recommendations for percentage allocations of contracts by such agency to minority business enterprises;

"(4) a proposed reporting system that will permit objective measuring of the degree of participation of minority business enterprises in comparison to the total activities funded by such agency;

"(5) a detailed projection of the administrative budgetary impact of the establishment of the section on minority business; and

"(6) a detailed set of objective criteria upon which determinations will be made as to the qualifications of minority business enterprises to receive contracts funded by such agency.

"(c)(1) Upon the enactment of the International Development Cooperation Act of 1979 [Aug. 14, 1979], the section on minority business established pursuant to subsection (a) shall be redesignated as the Minority Resource Center (hereafter in this section referred to as the 'Center') which shall be responsible for increasing the participation of economically and socially disadvantaged business enterprises in contract, procurement, grant, and research and development activities funded by the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [this subchapter] (hereafter in this section referred to as the 'agency').

"(2) The Center shall—

"(A) establish, maintain, and disseminate information to, and otherwise serve as an information clearinghouse for, economically and socially disadvantaged business enterprises regarding business opportunities in development assistance programs funded by the agency;

"(B) design and conduct programs to encourage, promote, and assist economically and socially disadvantaged business enterprises to secure direct contracts, host country contracts, operation expatriate contracts, indefinite quantity contracts, subcontracts, projects, grants, and research and development contracts in order for such enterprises to participate in such development assistance programs;

"(C) conduct market research, planning, economic and business analyses, and feasibility studies to identify business opportunities in such development assistance programs;

"(D) develop support mechanisms which will enable socially and economically disadvantaged businesses to take advantage of business opportunities in such development assistance programs; and

"(E) enter into such contracts (to such extent or in such amounts as are provided in appropriation Acts),

cooperative agreements, or other transactions as may be necessary in the conduct of its functions under this section.

"(3) The Administrator of the agency and the Secretary of State shall provide the Center with such relevant information, including procurement schedules, bids, and specifications with respect to development assistance programs funded by the agency, as may be requested by the Center in connection with the performance of its functions under this section.

"(4) There shall be a Director of the Center who shall be the chief executive officer of the Center. The Director shall be appointed by the Administrator of the agency.

"(5)(A) For the purposes of this section, the term 'economically and socially disadvantaged enterprise' means a business—

"(i) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

"(ii) whose management and daily business operations are controlled by one or more such individuals.

"(B) Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

"(C) Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. In determining the degree of diminished credit and capital opportunities, the Administrator of the agency shall consider, but not be limited to, the assets and net worth of the socially disadvantaged individual.

"(6) Not later than February 1 of each year, the Administrator of the agency shall submit to the Congress a report concerning the activities of the Center during the preceding fiscal year.

"(7) Of the funds available to the agency for operating expenses, up to $950,000 for fiscal year 1980 may be allocated to the Center to carry out its functions under this section.

"(8) If the Administrator of the agency determines that such a consolidation would significantly further the purposes of this section and would eliminate unnecessary duplication of activity, the Administrator may consolidate the Center with the Office of Small and Disadvantaged Business Utilization established in the agency by section 15(k) of the Small Business Act [section 644(k) of Title 15, Commerce and Trade]. Any such consolidation shall ensure that all the functions specified in paragraph (2) of this subsection continue to be carried out. Before implementing any such consolidation, the Administrator shall submit to the Congress a detailed report setting forth the reasons for the proposed consolidation."

[Amendment by Pub. L. 96-53 (adding subsec. (c) to section 133 of Pub. L. 95-88) effective Aug. 14, 1979, see section 512(b) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note above.]

EX. ORD. NO. 12117. IMPLEMENTATION OF IMPORT RESTRICTIONS IMPOSED AGAINST UGANDA

Ex. Ord. No. 12117, Feb. 6, 1979, 44 F.R. 7937, provided:

By the authority vested in me as President by the Constitution of the United States of America, and in order to provide for the consistent implementation of import restrictions imposed against Uganda by Section 5(c) of the Act of October 10, 1978 (92 Stat. 1051) [Pub. L. 95-435, set out as a note above], it is hereby ordered as follows:

1-101. The Secretary of the Treasury shall administer those provisions of Section 5(c) of the Act of October 10, 1978 (Public Law 95-435; 92 Stat. 1051; 22 U.S.C. 2151 note) which prohibit a corporation, institution, group or individual from importing, directly or indirectly, into the United States or its territories or possessions any article grown, produced, or manufactured in Uganda. The Secretary of the Treasury shall issue such regulations that the Secretary deems necessary to implement those import restrictions. Prior to issuing those regulations the Secretary of the Treasury shall consult with the Secretary of State.

1-102. The Secretary of State shall advise the President whenever the Secretary believes that "the Government of Uganda is no longer committing a consistent pattern of gross violations of human rights" within the meaning of Section 5(c) of the Act of October 10, 1978 [Pub. L. 95-435, set out as a note above].

1-103. If the President determines that the Government of Uganda is no longer committing a consistent pattern of gross violations of human rights, he shall so certify to the Congress. Thereafter, the Secretary of the Treasury shall revoke the regulations issued pursuant to this Order.

JIMMY CARTER.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151-1, 2151v, 2162, 2346, 2399c, 3502 of this title.

§ 2151-1. Development assistance policy

(a) Principal purpose of bilateral development assistance

The Congress finds that the efforts of developing countries to build and maintain the social and economic institutions necessary to achieve self-sustaining growth and to provide opportunities to improve the quality of life for their people depend primarily upon successfully marshalling their own economic and human resources. The Congress recognizes that the magnitude of these efforts exceeds the resources of developing countries and therefore accepts that there will be a long-term need for wealthy countries to contribute additional resources for development purposes. The United States should take the lead in concert with other nations to mobilize such resources from public and private sources.

Provision of development resources must be adapted to the needs and capabilities of specific developing countries. United States assistance to countries with low per capita incomes which have limited access to private external resources should primarily be provided on concessional terms. Assistance to other developing countries should generally consist of programs which facilitate their access to private capital markets, investment, and technical skills, whether directly through guarantee or reimbursable programs by the United States Government or indirectly through callable capital provided to the international financial institutions.

Bilateral assistance and United States participation in multilateral institutions shall emphasize programs in support of countries which pursue development strategies designed to meet basic human needs and achieve self-sustaining growth with equity.

The Congress declares that the principal purpose of United States bilateral development assistance is to help the poor majority of people in developing countries to participate in a process of equitable growth through productive

work and to influence decisions that shape their lives, with the goal of increasing their incomes and their access to public services which will enable them to satisfy their basic needs and lead lives of decency, dignity, and hope. Activities shall be emphasized that effectively involve the poor in development by expanding their access to the economy through services and institutions at the local level, increasing their participation in the making of decisions that affect their lives, increasing labor-intensive production and the use of appropriate technology, expanding productive investment and services out from major cities to small towns and rural areas, and otherwise providing opportunities for the poor to improve their lives through their own efforts. Participation of the United States in multilateral institutions shall also place appropriate emphasis on these principles.

(b) Form of assistance; principles governing assistance

Assistance under this part should be used not only for the purpose of transferring financial resources to developing countries, but also to help countries solve development problems in accordance with a strategy that aims to insure wide participation of the poor in the benefits of development on a sustained basis. Moreover, assistance shall be provided in a prompt and effective manner, using appropriate United States institutions for carrying out this strategy. In order to achieve these objectives and the broad objectives set forth in section 2151 of this title and in subsection (a) of this section, bilateral development assistance authorized by this chapter shall be carried out in accordance with the following principles:

(1) Development is primarily the responsibility of the people of the developing countries themselves. Assistance from the United States shall be used in support of, rather than substitution for, the self-help efforts that are essential to successful development programs and shall be concentrated in those countries that take positive steps to help themselves. Maximum effort shall be made, in the administration of subchapter I of this chapter, to stimulate the involvement of the people in the development process through the encouragement of democratic participation in private and local governmental activities and institution building appropriate to the requirements of the recipient countries.

(2) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

(3) United States bilateral development assistance should give high priority to undertakings submitted by host governments which directly improve the lives of the poorest of their people and their capacity to participate in the development of their countries, while also helping such governments enhance their planning, technical, and administrative capabilities needed to insure the success of such undertakings.

(4) Development assistance provided under this part shall be concentrated in countries which will make the most effective use of such assistance to help satisfy basic human needs of poor people through equitable growth, especially in those countries having the greatest need for outside assistance. In order to make possible consistent and informed judgments in this respect, the President shall assess the commitment and progress of countries in moving toward the objectives and purposes of this part by utilizing criteria, including but not limited to the following:

(A) increase in agricultural productivity per unit of land through small-farm, labor-intensive agriculture;

(B) reduction of infant mortality;

(C) control of population growth;

(D) promotion of greater equality of income distribution, including measures such as more progressive taxation and more equitable returns to small farmers;

(E) reduction of rates of unemployment and underemployment; and

(F) increase in literacy.

(5) United States development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries; food production and nutrition; rural development and generation of gainful employment; population planning and health; environment and natural resources; education, development administration, and human resource development; and energy development and production.

(6) United States assistance shall encourage and promote the participation of women in the national economies of developing countries and the improvement of women's status as an important means of promoting the total development effort.

(7) United States bilateral assistance shall recognize that the prosperity of developing countries and effective development efforts require the adoption of an overall strategy that promotes the development, production, and efficient utilization of energy and, therefore, consideration shall be given to the full implications of such assistance on the price, availability, and consumption of energy in recipient countries.

(8) United States cooperation in development should be carried out to the maximum extent possible through the private sector, including those institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, free labor unions, and private and voluntary agencies.

(9) To the maximum extent practicable, United States private investment should be encouraged in economic and social development programs to which the United States lends support.

(10) Assistance shall be planned and utilized to encourage regional cooperation by developing countries in the solution of common problems and the development of shared resources.

(11) Assistance efforts of the United States shall be planned and furnished to the maximum extent practicable in coordination and cooperation with assistance efforts of other countries, including the planning and implementation of programs and projects on a multilateral and multidonor basis.

(12) United States bilateral development assistance should be concentrated on projects which do not involve large-scale capital transfers. However, to the extent that such assistance does involve large-scale capital transfers, it should be furnished in association with contributions from other countries working together in a multilateral framework.

(c) World wide cooperative effort to overcome aspects of absolute poverty

The Congress, recognizing the desirability of overcoming the worst aspects of absolute poverty by the end of this century by, among other measures, substantially lowering infant mortality and birth rates, and increasing life expectancy, food production, literacy, and employment, encourages the President to explore with other countries, through all appropriate channels, the feasibility of a worldwide cooperative effort to overcome the worst aspects of absolute poverty and to assure self-reliant growth in the developing countries by the year 2000.

(Pub. L. 87-195, pt. I, § 102, as added Pub. L. 95-424, title I, § 101, Oct. 6, 1978, 92 Stat. 938, and amended Pub. L. 96-53, title I, § 104(a), Aug. 14, 1979, 93 Stat. 360.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (b), was in the original "this Act" meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346c

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b, 2346c), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (b)(5). Pub. L. 96-53, § 104(a)(1), added applicability to energy development and production.

Subsec. (b)(7). Pub. L. 96-53, § 104(a)(2), added applicability to promotion of development and production of energy.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by section 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151u, 2151v, 3502, 3511 of this title.

§ 2151a. Agricultural development in rural areas

(a) Authorization to President to furnish assistance; appropriations

(1) In recognition of the fact that the great majority of the people of developing countries live in rural areas and are dependent on agriculture and agricultural-related pursuits for their livelihood, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition—

(A) to alleviate starvation, hunger, and malnutrition;

(B) to expand significantly the provision of basic services to rural poor people to enhance their capacity for self-help; and

(C) to help create productive farm and off-farm employment in rural areas to provide a more viable economic base and enhance opportunities for improved incomes, living standards, and contributions by rural poor people to the economic and social development of their countries.

(2) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $659,000,000 for the fiscal year 1980. Amounts appropriated under this section are authorized to remain available until expended.

(b) Use of assistance primarily in aid of rural poor; multilateral infrastructure projects; forestry projects

(1) Assistance provided under this section shall be used primarily for activities which are specifically designed to increase the productivity and income of the rural poor, through such means as creation and strengthening of local institutions linked to the regional and national levels; organization of a system of financial institutions which provide both savings and credit services to the poor; stimulation of small, labor-intensive enterprises in rural towns; improvement of marketing facilities and systems; expansion of rural infrastructure and utilities such as farm-to-market roads, water management systems, land improvement, energy, and storage facilities; establishment of more equitable and more secure land tenure arrangements; and creation and strengthening of systems to provide other services and supplies needed by farmers, such as extension, research, training,

fertilizer, water, forestry, soil conservation, and improved seed, in ways which assure access to them by small farmers.

(2) In circumstances where development of major infrastructure is necessary to achieve the objectives set forth in this section, assistance for that purpose should be furnished under this part in association with significant contributions from other countries working together in a multilateral framework. Infrastructure projects so assisted should be complemented by other measures to ensure that the benefits of the infrastructure reach the poor.

(3) The Congress recognizes that the accelerating loss of forests and tree cover in developing countries undermines and offsets efforts to improve agricultural production and nutrition and otherwise to meet the basic human needs of the poor. Deforestation results in increased flooding, reduction in water supply for agricultural capacity, loss of firewood and needed wood products, and loss of valuable plants and animals. In order to maintain and increase forest resources, the President is authorized to provide assistance under this section for forestry projects which are essential to fulfill the fundamental purposes of this section. Emphasis shall be given to community woodlots, agroforestry, reforestation, protection of watershed forests, and more effective forest management.

(c) Increased agricultural production in least developed countries

The Congress finds that the greatest potential for significantly expanding availability of food for people in rural areas and augmenting world food production at relatively low cost lies in increasing the productivity of small farmers who constitute a majority of the agricultural producers in developing countries. Increasing the emphasis on rural development and expanded food production in the poorest nations of the developing world is a matter of social justice and a principal element contributing to broadly based economic growth, as well as an important factor in alleviating inflation in the industrialized countries. In the allocation of funds under this section, special attention shall be given to increasing agricultural production in countries which have been designated as "least developed" by the United Nations General Assembly.

(d) Coordination with population planning and health programs

Assistance provided under this section shall also be used in coordination with programs carried out under section 2151b of this title to help improve nutrition of the people of developing countries through encouragement of increased production of crops with greater nutritional value; improvement of planning, research, and education with respect to nutrition, particularly with reference to improvement and expanded use of indigenously produced foodstuffs; and the undertaking of pilot or demonstration programs explicitly addressing the problem of malnutrition of poor and vulnerable people. In particular, the President is encouraged—

(1) to devise and carry out in partnership with developing countries a strategy for programs of nutrition and health improvement for mothers and children, including breast feeding; and

(2) to provide technical, financial, and material support to individuals or groups at the local level for such programs.

(e) Use of local currency proceeds from sales of commodities

Local currency proceeds from sales of commodities provided under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.] which are owned by foreign governments shall be used whenever practicable to carry out the provisions of this section.

(f) National food security policies and programs; bilateral and multilateral assistance

The Congress finds that the efforts of developing countries to enhance their national food security deserves encouragement as a matter of United States development assistance policy. Measures complementary to assistance for expanding food production in developing countries are needed to help assure that food becomes increasingly available on a regular basis to the poor in such countries. Therefore, United States bilateral assistance under this chapter and the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.], and United States participation in multilateral institutions, shall emphasize policies and programs which assist developing countries to increase their national food security by improving their food policies and management and by strengthening national food reserves, with particular concern for the needs of the poor, through measures encouraging domestic production, building national food reserves, expanding available storage facilities, reducing postharvest food losses, and improving food distribution.

(As amended Pub. L. 95-88, title I, § 102, Aug. 3, 1977, 91 Stat. 534; Pub. L. 95-424, title I, § 103(a), Oct. 6, 1978, 92 Stat. 943; Pub. L. 96-53, title I, § 101, Aug. 14, 1979, 93 Stat. 359.)

REFERENCES IN TEXT

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsecs. (e) and (f) is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified generally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

This chapter, referred to in subsec. (f), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

AMENDMENTS

1979—Subsec. (a)(2). Pub. L. 96-53, § 101(a), substituted provisions authorizing appropriations of $659,000,000 for fiscal year 1980, for provisions authorizing appropriations of $665,213,000 for fiscal year 1979.

Subsec. (b)(3). Pub. L. 96-53, § 101(b), added par. (3).

Subsec. (f). Pub. L. 96-53, § 101(c), added subsec. (f).

1978—Pub. L. 95-424 amended section generally updating and clarifying the purposes of assistance to more accurately reflect the range of activities authorized by this section.

1977—Subsec. (a). Pub. L. 95-88, § 102(a), struck out provisions authorizing appropriations of $291,000,000 for the fiscal year 1974, $500,000,000 for the fiscal year 1975, and $618,800,000 for the fiscal year 1976, and added provisions authorizing the appropriation of $580,000,000 for the fiscal year 1978.

Subsec. (h). Pub. L. 95-88, § 102(b), added subsec. (h).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151b, 2151d, 2151h, 2151q, 2220a, 2220d, 3262 of this title; title 7 sections 1706, 1727, 1727b.

§ 2151a-1. Agricultural research

Agricultural research carried out under this chapter shall (1) take account of the special needs of small farmers in the determination of research priorities, (2) include research on the interrelationships among technology, institutions, and economic, social, environmental, and cultural factors affecting small-farm agriculture, and (3) make extensive use of field testing to adapt basic research to local conditions. Special emphasis shall be placed on disseminating research results to the farms on which they can be put to use, and especially on institutional and other arrangements needed to assure that small farmers have effective access to both new and existing improved technology.

(As amended Pub. L. 95-424, title I, § 103(d), Oct. 6, 1978, 92 Stat. 945.)

AMENDMENTS

1978—Pub. L. 95-424 added "environmental" following "social" in cl. 2.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2151b. Population planning and health programs

(a) Congressional declaration of policy

The Congress recognizes that poor health conditions and uncontrolled population growth can vitiate otherwise successful development efforts.

Large families in developing countries are the result of complex social and economic factors which change relatively slowly among the poor majority least affected by economic progress, as well as the result of a lack of effective birth control. Therefore, effective family planning depends upon economic and social change as well as the delivery of services and is often a matter of political and religious sensitivity. While every country has the right to determine its own policies with respect to population growth, voluntary population planning programs can make a substantial contribution to economic development, higher living standards, and improved health and nutrition.

Good health conditions are a principal element in improved quality of life and contribute to the individual's capacity to participate in the development process, while poor health and debilitating disease can limit productivity.

(b) Assistance for voluntary population planning

In order to increase the opportunities and motivation for family planning and to reduce the rate of population growth, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for voluntary population planning. In addition to the provision of family planning information and services and the conduct of directly relevant demographic research, population planning programs shall emphasize motivation for small families.

(c) Assistance for health programs

In order to contribute to improvements in the health of the greatest number of poor people in developing countries, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for health programs. Assistance under this subsection shall be used primarily for basic integrated health services, safe water and sanitation, disease prevention and control, and related health planning and research. This assistance shall emphasize self-sustaining community-based health programs by means such as training of health auxiliary and other appropriate personnel, support for the establishment and evaluation of projects that can be replicated on a broader scale, measures to improve management of health programs, and other services and supplies to support health and disease prevention programs.

(d) Administration of assistance

(1) Assistance under this part shall be administered so as to give particular attention to the interrelationship between (A) population growth, and (B) development and overall improvement in living standards in developing countries, and to the impact of all programs, projects, and activities on population growth. All appropriate activities proposed for financing under this part shall be designed to build motivation for smaller families through modification of economic and social conditions supportive of the desire for large families, in programs such as education in and out of school, nutrition, disease control, maternal and child health services, improvements in the status and employment of women, agricultural production, rural development, and assistance to the urban poor, and through community-based development programs which give recognition to

people motivated to limit the size of their families. Population planning programs shall be coordinated with other programs aimed at reducing the infant mortality rate, providing better nutrition for pregnant women and infants, and raising the standard of living of the poor.

(2) Since the problems of malnutrition, disease, and rapid population growth are closely related, planning for assistance to be provided under subsections (b) and (c) of this section and under section 2151a of this title shall be coordinated to the maximum extent practicable.

(3) Assistance provided under this section shall emphasize low-cost integrated delivery systems for health, nutrition, and family planning for the poorest people, with particular attention to the needs of mothers and young children, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach.

(e) Research and analysis

(1) Health and population research and analysis carried out under this chapter shall—

(A) be undertaken to the maximum extent practicable in developing countries by developing country personnel, linked as appropriate with private and governmental biomedical research facilities within the United States;

(B) take account of the special needs of the poor people of developing countries in the determination of research priorities; and

(C) make extensive use of field testing to adapt basic research to local conditions.

(2) The President is authorized to study the complex factors affecting population growth in developing countries and to identify factors which might motivate people to plan family size or to space their children.

(f) Prohibition on use of funds for abortions and involuntary sterilization

(1) None of the funds made available to carry out subchapter I of this chapter may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions.

(2) None of the funds made available to carry out subchapter I of this chapter may be used to pay for the performance of involuntary sterilizations as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations.

(g) Authorization of appropriations

There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

(1) $201,000,000 for the fiscal year 1980 to carry out subsection (b) of this section; and

(2) $141,000,000 for the fiscal year 1980 to carry out subsection (c) of this section, of which amount not less than $4,000,000 shall be made available to assist in the development of the John Sparkman Center for International Public Health Education to be located at the University of Alabama at Birmingham.

Funds appropriated under this subsection are authorized to remain available until expended.

(As amended Pub. L. 95-88, title I, § 103(a)-(c), Aug. 3, 1977, 91 Stat. 534; Pub. L. 95-424, title I, § 104(a), Oct. 6, 1978, 92 Stat. 945; Pub. L. 96-53, title I, § 102, Aug. 14, 1979, 93 Stat. 360.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(1), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346c

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b, 2346c), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (d)(1). Pub. L. 96-53, § 102(b), added provisions respecting use of community-based development programs.

Subsec. (g)(1). Pub. L. 96-53, § 102(a), substituted provisions authorizing appropriations of $201,000,000 for fiscal year 1980, for provisions authorizing appropriations of $224,745,000 for fiscal year 1979.

Subsec. (g)(2). Pub. L. 96-53, § 102(a), substituted provisions authorizing appropriations of $141,000,000 for fiscal year 1980, for provisions authorizing appropriations of $148,494,000 for fiscal year 1979, and added provisions relating to the Sparkman Center for International Public Health Education.

1978—Pub. L. 95-424 amended section generally placing greater emphasis on programs and efforts to change social and economic conditions which produce high birth rates.

1977—Subsec. (a). Pub. L. 95-88, § 103(a), transferred to subsec. (b) provisions covering the President's authority to furnish assistance for health purpose and, in the provisions covering population planning remaining in subsec. (a), struck out provisions authorizing the appropriations of $145,000,000 for fiscal year 1974, $165,000,000 for fiscal year 1975, $243,100,000 for fiscal year 1976, and $275,600,000 for fiscal year 1977, struck out provisions requiring that not less than 67 percent of the funds made available under this section be used for population planning, and added provisions authorizing an appropriation of $167,000,000 for fiscal year 1978.

Subsec. (b). Pub. L. 95-88, § 103(a), added subsec. (b), consisting of provisions transferred from subsec. (a) covering the President's authority to furnish assistance for health purposes, added references to disease prevention and environmental sanitation, and added provisions authorizing an appropriation of $107,700,000 for fiscal year 1978. Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 95-88, § 103(b), redesignated former subsec. (b) as (c).

Subsec. (d). Pub. L. 95-88, § 103(c), added subsec. (d).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 103(d) of Pub. L. 95-88 provided that: "The amendment made by subsection (a) of this section [amending this section] shall take effect on October 1, 1977."

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151a, 2151d, of this title; title 7 sections 1706, 1727.

§ 2151c. Education and human resources development

(a) General authority

In order to reduce illiteracy, to extend basic education and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration, and human resource development. There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $105,000,000 for the fiscal year 1980, which are authorized to remain available until expended.

(b) Scope of assistance programs

Assistance provided under this section shall be used primarily to expand and strengthen nonformal education methods, especially those designed to improve productive skills of rural families and the urban poor and to provide them with useful information; to increase the relevance of formal education systems to the needs of the poor, especially at the primary level, through reform of curricula, teaching materials, and teaching methods, and improved teacher training; and to strengthen the management capabilities of institutions which enable the poor to participate in development. Assistance under this section shall also be provided for advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities.

(c) Repealed. Pub. L. 96-53, title I, § 122, Aug. 14, 1979, 93 Stat. 366

(As amended Pub. L. 95-88, title I, § 104, Aug. 3, 1977, 91 Stat. 535; Pub. L. 95-424, title I, § 105, Oct. 6, 1978, 92 Stat. 947; Pub. L. 96-53, title I, §§ 103, 122, Aug. 14, 1979, 93 Stat. 360, 366.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-53, § 103(a), substituted provisions authorizing appropriations of $105,000,000 for fiscal year 1980, for provisions authorizing appropriations of $109,036,000 for fiscal year 1979.

Subsec. (b). Pub. L. 96-53, § 103(b), added provisions relating to assistance for advanced education and training.

Subsec. (c). Pub. L. 96-53, § 122, struck out subsec. (c), which authorized availability of appropriations for fiscal years 1977, and 1978 for educational assistance for southern Africa.

1978—Subsec. (a). Pub. L. 95-424 substituted "$109,036,000 for the fiscal year 1979, which amount is" for "$101,800,000 for the fiscal year 1977 and $84,900,000 for the fiscal year 1978, which amounts are".

1977—Subsec. (a). Pub. L. 95-88, § 104(a), struck out provisions authorizing appropriations of $90,000,000 for fiscal year 1974, $92,000,000 for fiscal year 1975, and $89,200,000 for fiscal year 1976, and added provisions authorizing an appropriation of $84,900,000 for fiscal year 1978.

Subsec. (c). Pub. L. 95-88, § 104(b), added "for the fiscal year 1977, and not less than $1,647,000 shall be available for the fiscal year 1978," following "shall be available".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2151d. Development of indigenous energy resources

(a) Congressional statement of findings

(1) The Congress finds that energy development and production are vital elements in the development process, that energy shortages in developing countries severely limit the development process in such countries, that two-thirds of the developing countries which import oil depend on it for at least 90 percent of the energy which their economies require, and that the dramatic increase in world oil prices since 1973 has resulted in considerable economic hardship for many developing countries. The Congress is concerned that the value and purpose of much of the assistance provided to developing countries under sections 2151a, 2151b, and 2151c of this title are undermined by the inability of many developing countries to satisfy their energy requirements. Unless the energy deficit of the developing countries can be narrowed by more fully exploiting indigenous sources of energy such as oil, natural gas, and coal, scarce foreign exchange will increasingly have to be diverted to oil imports, primarily to the detriment of long-term development and economic growth.

(2) The Congress recognizes that many developing countries lack access to the financial resources and technology necessary to locate, explore, and develop indigenous energy resources.

(3) The Congress declares that there is potential for at least a moderate increase by 1990 in the production of energy for commercial use in the developing countries which are not members of the Organization of Petroleum Exporting Countries. In addition, there is a compelling need for vigorous efforts to improve the available data on the location, scale, and commercial exploitability of potential oil, natural gas, and coal reserves in developing countries, especially those which are not members of the Organization of Petroleum Exporting Countries. The Congress further declares that there are many benefits to be gained by the developing countries and by the United States and other developed countries through expanded efforts to expedite the location, exploration, and development of potential sources of energy in developing countries. These benefits include, but are not limited to, the following:

(A) The world's energy supply would be increased and the fear of abrupt depletion would be lessened with new energy production. This could have a positive impact upon energy prices in international markets as well as a positive effect upon the balance of payments problems of many developing countries.

(B) Diversification of the world's supplies of energy from fossil fuels would make all countries, developing and developed, less susceptible to supply interruptions and arbitrary production and pricing policies.

(C) Even a moderate increase in energy production in the developing countries would improve their ability to expand commercial trade, foreign investment, and technology transfer possibilities with the United States and other developed countries.

(4) Assistance for the production of energy from indigenous resources, as authorized by subsection (b) of this section, would be of direct benefit to the poor in developing countries because of the overwhelming impact of imported energy costs upon the lives of the poor and their ability to participate in development.

(b) General assistance authority; funding of survey work and exploration

(1) In order to help developing countries alleviate their energy problems by improving their ability to use indigenous energy resources to produce the energy needed by their economies, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to enable such countries to prepare for and undertake development of their energy resources. Such assistance may include data collection and analysis, the training of skilled personnel, research on and development of suitable energy sources, and pilot projects to test new methods of energy production.

(2) Of the funds made available to carry out this section, up to $7,000,000 for the fiscal year 1980 shall be used for purposes of paragraph (1) to facilitate geological and geophysical survey work to locate potential oil, natural gas, and coal reserves and to encourage exploration for potential oil, natural gas, and coal reserves in developing countries which are not members of the Organization of Petroleum Exporting Countries.

(c) Assistance for programs of technical cooperation and development, research, etc.

The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the following activities, to the extent that such activities are not authorized by sections 2151a, 2151b, and 2151c of this title:

(1) programs of technical cooperation and development, particularly the development efforts of United States private and voluntary agencies and regional and international development organizations;

(2) programs of research into, and evaluation of, the process of economic development in less developed countries and areas, into the factors affecting the relative success and costs of development activities, and into the means, techniques, and such other aspects of development assistance as the President may determine in order to render such assistance of increasing value and benefit;

(3) programs of reconstruction following natural or manmade disasters;

(4) programs designed to help solve special development problems in the poorest countries and to make possible proper utilization of infrastructure and related projects funded with earlier United States assistance; and

(5) programs of urban development, with particular emphasis on small, labor intensive enterprises, marketing systems for small producers, and financial and other institutions which enable the urban poor to participate in the economic and social development of their country.

(d) Authorization of appropriations

There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $125,000,000 for the fiscal year 1980, which are authorized to remain available until expended.

(As amended Pub. L. 95-88, title I, § 105, Aug. 3, 1977, 91 Stat. 535; Pub. L. 95-424, title I, § 106, Oct. 6, 1978, 92 Stat. 947; Pub. L. 96-53, title I, §§ 104(b), 105, Aug. 14, 1979, 93 Stat. 360, 362.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-53, § 104(b)(2), (3), added subsec. (a). Former subsec. (a) redesignated (c).

Subsec. (b). Pub. L. 96-53, § 104(b)(2), (3), added subsec. (b). Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 96-53, § 104(b)(1), (2), redesignated former subsec. (a) as (c) and, as so redesignated, struck out par. (2), relating to programs to increase energy production and conservation, and redesignated pars. (3) to (6) as (2) to (5), respectively.

Subsec. (d). Pub. L. 96-53, §§ 104(b)(2), 105, redesignated former subsec. (b) as (d) and, as so redesignated, substituted provisions authorizing appropriations for fiscal year 1980 of $125,000,000, for provisions authorizing appropriations for fiscal year 1979 of $126,244,000, and setting forth requirements for appropriations available to private voluntary agencies of the United States.

1978—Subsec. (b). Pub. L. 95-424 substituted "$126,244,000 for the fiscal year 1979, which amount

is" for "$104,500,000 for the fiscal year 1977 and $105,000,000 for the fiscal year 1978, which amounts are".

1977—Subsec. (b). Pub. L. 95–88 struck out provisions authorizing an appropriation of $99,550,000 for fiscal year 1976 and added provisions authorizing an appropriation of $105,000,000 for fiscal year 1978.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151q, 3262 of this title.

§ 2151e. Appropriate technology

(a) In carrying out activities under this part, the President shall place special emphasis on the use of relatively smaller, cost-saving, labor-using technologies that are generally most appropriate for the small farms, small businesses, and small incomes of the poor.

(b) Funds made available to carry out this part should be used to the extent practicable for activities in the field of appropriate technology, including support of an expanded and coordinated private effort to promote the development and dissemination of appropriate technology in developing countries.

(As amended Pub. L. 95–424, title I, § 107, Oct. 6, 1978, 92 Stat. 947.)

AMENDMENTS

1978—Pub. L. 95–424 designated existing provisions as subsec. (a), and in subsec. (a) as so designated, substituted provisions mandating that the President place special emphasis on the use of relatively smaller, cost-saving, labor-using technologies generally more appropriate for small farms, small businesses and small incomes of the poor, for provisions authorizing the use of $20,000,000 for activities in the field of intermediate technology, directing the Agency for International Development to prepare a proposal to carry out this section and to keep Congress informed, and to implement such proposal, and added subsec. (b).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by section 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2151f. Repealed. Pub. L. 95–424, title I, § 102(g)(2)(K)(i), Oct. 6, 1978, 92 Stat. 943

Section, Pub. L. 87–195, pt. I, § 108, as added Pub. L. 93–189, § 2(3), Dec. 17, 1973, 87 Stat. 715, related to the application of subparts I, II, or X of part II of this subchapter to assistance under this part.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2151g. Transfer of funds

Whenever the President determines it to be necessary for the purposes of this part, not to exceed 15 per centum of the funds made available for any provision of this part may be transferred to, and consolidated with, the funds made available for any other provision of this part, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 25 per centum of the amount of funds made available for such provision. The authority of sections 2360(a) and 2364(a) of this title may not be used to transfer funds made available under this part for use for purposes of any other provision of this chapter, except that the authority of such sections may be used to transfer for the purposes of section 2427 of this title not to exceed five per centum of the amount of funds made available for section 2427(a)(1) of this title.

(As amended Pub. L. 95–88, title I, § 129(b), Aug. 3, 1977, 91 Stat. 543; Pub. L. 95–424, title I, § 102(g)(2)(K)(ii), Oct. 6, 1978, 92 Stat. 943.)

AMENDMENTS

1978—Pub. L. 95–424 substituted "Whenever" for "Notwithstanding section 2151f of this title, whenever".

1977—Pub. L. 95–88 provided that the authority under sections 2360(a) and 2364(a) of this title may be used to transfer for the purposes of section 2427 of this title not to exceed five per centum of the amount of funds made available for section 2427(a)(1) of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by section 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2151h. Cost-sharing and funding limits

(a) No assistance shall be furnished by the United States Government to a country under sections 2151a through 2151d of this title until the country provides assurances to the Presi-

dent, and the President is satisfied, that such country will provide at least 25 per centum of the costs of the entire program, project, or activity with respect to which such assistance is to be furnished, except that such costs borne by such country may be provided on an "inkind" basis.

(b) No grant assistance shall be disbursed by the United States Government under sections 2151a through 2151d of this title for a project, for a period exceeding thirty-six consecutive months, without further justification satisfactory to the Congress and efforts being made to obtain sources of financing within that country and from other foreign countries and multilateral organizations.

(As amended Pub. L. 95–88, title I, § 106, Aug. 3, 1977, 91 Stat. 535; Pub. L. 95–424, title I, § 112(b), Oct. 6, 1978, 92 Stat. 949.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 94–424 struck out provision, following "on an 'in-kind' basis", relating to waiver by the President of cost-sharing requirement in case of a project or activity in a country determined to be relatively least developed by the agency primarily responsible for administering subchapter I of this chapter.

Subsec. (b). Pub. L. 95–424 substituted "No" for "Except for grants to countries determined to be relatively least developed based on the United Nations Conference on Trade and Development list of 'relatively least developed countries', no".

1977—Subsec. (a). Pub. L. 95–88, § 106(1), substituted "sections 2151a through 2151d" for "sections 2151a through 2151e".

Subsec. (b). Pub. L. 95–88, § 106(2), added provisions creating an exception for grants to countries determined to be relatively least developed based on the United Nations Conference on Trade and Development list of "relatively least developed countries" and substituted "sections 2151a through 2151d" for "sections 2151a through 2151e".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by section 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151v, 2220d of this title.

§ 2151i. Development and use of cooperatives

In order to strengthen the participation of the rural and urban poor in their country's development, high priority shall be given to increasing the use of funds made available under this chapter for technical and capital assistance in the development and use of cooperatives in the less developed countries which will enable and encourage greater numbers of the poor to help themselves toward a better life.

(As amended Pub. L. 95–88, title I, § 107(a), Aug. 3, 1977, 91 Stat. 535; Pub. L. 96–53, title I, § 122, Aug. 14, 1979, 93 Stat. 366.)

AMENDMENTS

1979—Pub. L. 96–53 struck out provisions relating to availability of funds for fiscal year 1978 for technical assistance.

1977—Pub. L. 95–88 substituted "technical and capital assistance in the development and use of cooperatives" for "assistance in the development of cooperatives" and "$10,000,000 of the funds made available under this chapter for the fiscal year 1978 may be used only for technical assistance" for "$20,000,000 of such funds shall be used during the fiscal years 1976 and 1977, including the period from July 1, 1976, through September 30, 1976, only for technical assistance".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 107(b) of Pub. L. 95–88 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1977."

§ 2151k. Integrating women into national economies; report

(a) Particular programs, projects, and activities

In recognition of the fact that women in developing countries play a significant role in economic production, family support, and the overall development process of the national economies of such countries, subchapter I of this chapter shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economies of developing countries, thus improving their status and assisting the total development effort.

(b) Assistance to encourage participation and integration of women; prohibition against separate assistance program for women

(1) Up to $10,000,000 of the funds made available each fiscal year under this part shall be used, in addition to funds otherwise available for such purposes, for assistance on such terms and conditions as the President may determine to encourage and promote the participation and integration of women as equal partners in the development process in the developing countries. These funds shall be used primarily to support activities which will increase the economic productivity and income earning capacity of women.

(2) Nothing in this section shall be construed to authorize the establishment of a separate development assistance program for women.

(As amended Pub. L. 95–88, title I, § 108, Aug. 3, 1977, 91 Stat. 536; Pub. L. 95–424, title I, § 108, Oct. 6, 1978, 92 Stat. 947; Pub. L. 96–53, title I, § 122, Aug. 14, 1979, 93 Stat. 366.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (b). Pub. L. 96-53 redesignated former subsec. (d) as (b) and repealed former subsec. (b), which related to Presidential report to Congress on the impact of development programs, etc., on the economic integration of women.

Subsec. (c). Pub. L. 96-53 repealed subsec. (c), which required the report under former subsec. (b) to be submitted not later than one year after Aug. 3, 1977.

Subsec. (d). Pub. L. 96-53 redesignated former subsec. (d) as (b).

1978—Subsec. (d). Pub. L. 95-424 added subsec. (d).

1977—Subsec. (a). Pub. L. 95-88 designated existing provisions as subsec. (a) and in subsec. (a) as so designated added provisions relating to a recognition of the fact that women in developing countries play a significant role in economic production, family support, and the overall development process of the national economies of such countries.

Subsecs. (b), (c). Pub. L. 95-88 added subsecs. (b) and (c).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2151*l*. Repealed. Pub. L. 95-424, title I, § 104(b), Oct. 6, 1978, 92 Stat. 947

Section, Pub. L. 87-195, pt. I, § 114, as added Pub. L. 93-189, § 2(3), Dec. 17, 1973, 87 Stat. 716; Pub. L. 95-88, title I, § 109, Aug. 3, 1977, 91 Stat. 536, prohibited the use of funds for the performance of abortions or involuntary sterilizations.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2151m. Repealed. Pub. L. 95-424, title I, § 102(f), Oct. 6, 1978, 92 Stat. 942

Section, Pub. L. 87-195, pt. I, § 115, as added Pub. L. 93-559, § 20, Dec. 30, 1974, 88 Stat. 1800, and amended Pub. L. 95-88, title I, § 110, Aug. 3, 1977, 91 Stat. 536, prohibited the use of funds available under this part for any countries to which assistance is furnished under part IV of subchapter II of this chapter or under subchapter V of this chapter without specific authorization from Congress.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2151n. Human rights and development assistance

[*See main edition for text of (a)*]

(b) Information to Congressional Committees for realization of assistance for needy people; concurrent resolution terminating assistance

In determining whether this standard is being met with regard to funds allocated under subchapter I of this chapter, the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives may require the Administrator primarily responsible for administering subchapter I of this chapter to submit in writing information demonstrating that such assistance will directly benefit the needy people in such country, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit the needy people in such country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 2367 of this title.

(c) Factors considered

In determining whether or not a government falls within the provisions of subsection (a) of this section and in formulating development assistance programs under subchapter I of this chapter, the Administrator shall consider, in consultation with the Assistant Secretary for Human Rights and Humanitarian Affairs—

(1) the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States; and

(2) specific actions which have been taken by the President or the Congress relating to multilateral or security assistance to a less developed country because of the human rights practices or policies of such country.

(d) Report to Speaker of House and Committee on Foreign Relations of the Senate

The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 31 of each year, a full and complete report regarding—

(1) the status of internationally recognized human rights, within the meaning of subsection (a) of this section—

(A) in countries that receive assistance under subchapter I of this chapter, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this chapter; and

(2) the steps the Administrator has taken to alter United States programs under subchapter I of this chapter in any country because of human rights considerations.

(e) Promotion of civil and political rights

The President is authorized and encouraged to use not less than $1,500,000 of the funds

made available under this part for the fiscal year 1980 for studies to identify, and for openly carrying out programs and activities which will encourage or promote increased adherence to civil and political rights, as set forth in the Universal Declaration of Human Rights, in countries eligible for assistance under this part. None of these funds may be used, directly or indirectly, to influence the outcome of any election in any country.

(As amended Pub. L. 95–88, title I, § 111, Aug. 3, 1977, 91 Stat. 537; Pub. L. 95–105, title I, § 109(a)(2), Aug. 17, 1977, 91 Stat. 846; Pub. L. 95–424, title I, § 109, Oct. 6, 1978, 92 Stat. 947; H. Res. 89, Feb. 5, 1979; Pub. L. 96–53, title I, § 106, title V, § 504(a), Aug. 14, 1979, 93 Stat. 362, 378.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (d)(1). Pub. L. 96–53, § 504(a), designated existing provisions as cl. (A) and added cl. (B).

Subsec. (e). Pub. L. 96–53, § 106, substituted "1980" for "1979".

1978—Subsec. (e). Pub. L. 95–424 substituted "The President is authorized and encouraged to use not less than $1,500,000 of" for "Of", and "1979" for "1978, not less than $750,000 may be used only".

1977—Subsec. (c). Pub. L. 95–105 substituted "Assistant Secretary" for "Coordinator".

Pub. L. 95–88, § 111(a), added references to the formulation of development assistance programs under this subchapter and the consultation of the Administrator with the Coordinator for Human Rights and Humanitarian Affairs in the introductory provisions, designated the remainder of the existing provisions as par. (1), and added par. (2).

Subsec. (d). Pub. L. 95–88, § 111(a), substituted provisions directing the Secretary of State to transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 31 of each year, a full and complete report regarding the status of internationally recognized human rights in countries that receive development assistance and the steps which the Administrator has taken to alter United States development assistance programs in any country because of human rights considerations for provisions directing the President to transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, in the annual presentation materials on proposed economic development assistance programs, a full and complete report regarding the steps he has taken to carry out the provisions of this section.

Subsec. (e). Pub. L. 95–88, § 111(b), added subsec. (e).

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs on Feb. 5, 1979, by House Resolution 89, 96th Congress.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (e) of this section were delegated to the Director of the United States International Development Cooperation Agency to be exercised in consultation with the Secretary of State, see section 1-102(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

REPORT ON IMPACT ON FOREIGN RELATIONS OF UNITED STATES OF REPORTS ON HUMAN RIGHTS PRACTICES OF FOREIGN GOVERNMENTS

Section 504(b) of Pub. L. 96–53 provided that: "Not later than November 15, 1979, the Secretary of State shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on the impact on the foreign relations of the United States of the reports required by the Foreign Assistance Act of 1961 [this chapter] on the human rights practices of foreign governments."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 286e–10, 2199, 2384 of this title.

§ 2151n–1. Americans incarcerated abroad; report to Speaker of the House and chairman of the Committee on Foreign Relations of the Senate

It is the sense of the Congress that the Secretary of State should make every effort to seek the early release of American citizens unjustifiably held in foreign jails, and that he should direct the appropriate consular officers to redouble their efforts for the protection and welfare of imprisoned American citizens abroad. Beginning February 15, 1978, the Secretary of State shall transmit annually to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on the number of American citizens in foreign jails, the charges against them, and what measures have been taken to assist these individuals, including his assessment of the performance of embassy and consular personnel in providing such assistance in each foreign country where American citizens are incarcerated.

(Pub. L. 95–105, title I, § 108, Aug. 17, 1977, 91 Stat. 846.)

CODIFICATION

Section was enacted as a part of Pub. L. 95–105, the Foreign Relations Authorization Act, Fiscal Year 1978, and not as a part of Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, the Foreign Assistance Act of 1961, which comprises this chapter.

§ 2151o. Repealed. Pub. L. 95–424, title I, § 103(c), Oct. 6, 1978, 92 Stat. 945

Section, Pub. L. 87–195, pt. 1, § 117, as added Pub. L. 95–88, title I, § 112, Aug. 3, 1977, 91 Stat. 537, related to a strategy for programs of nutrition and health improvement for mothers and children.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective

Date of 1978 Amendment note under section 2151 of this title.

§ 2151p. Environment and natural resources

(a) Assistance in protection and management

The President is authorized to furnish assistance under subchapter I of this chapter for developing and strengthening the capacity of less developed countries to protect and manage their environment and natural resources. Special efforts shall be made to maintain and where possible restore the land, vegetation, water, wildlife, and other resources upon which depend economic growth and human well-being, especially that of the poor.

(b) Environmental consequences of development action

In carrying out programs under this part, the President shall take into consideration the environmental consequences of development actions.

(Pub. L. 87-195, pt. I, § 118, as added Pub. L. 95-88, title I, § 113(a), Aug. 3, 1977, 91 Stat. 537, and amended Pub. L. 95-424, title I, § 110, Oct. 6, 1978, 92 Stat. 948; Pub. L. 96-53, title I, § 122, Aug. 14, 1979, 93 Stat. 366.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346c

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b, 2346c), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (c). Pub. L. 96-53 repealed subsec. (c), which related to studies and report to Congress by the President on the identification of major environmental and natural resource problems.

1978—Pub. L. 95-424 designated existing provisions as subsec. (a), and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by section 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2151q. Renewable and unconventional energy technologies

(a) Congressional statement of findings

The Congress finds that energy production and conservation are vital elements in the development process and that energy shortages in developing countries severely limit the development progress of such countries. Inadequate access by the poor to energy sources as well as the prospect of depleted fossil fuel reserves and higher energy prices require an enhanced effort to expand the energy resources of developing countries, primarily through greater emphasis on renewable sources. Renewable and decentralized energy technologies have particular applicability for the poor, especially in rural areas.

(b) Assistance authority for cooperative programs in energy production and conservation; mandatory program goals

The President is authorized to furnish assistance under this part for cooperative programs with developing countries in energy production and conservation through research on and development and use of small-scale, decentralized, renewable energy sources for rural areas carried out as integral parts of rural development efforts in accordance with section 2151a of this title. Such programs shall also be directed toward the earliest practicable development and use of energy technologies which are environmentally acceptable, require minimum capital investment, are most acceptable to and affordable by the people using them, are simple and inexpensive to use and maintain, and are transferable from one region of the world to another.

(c) Discretionary program goals

Such programs may include research on, and the development, demonstration, and application of suitable energy technologies (including use of wood); analysis of energy uses, needs, and resources; training and institutional development; and scientific interchange.

(d) Administrative coordination and consultation of planning and implementation of programs

The Director of the United States International Development Cooperation Agency, shall coordinate with the Department of Energy, to the maximum extent possible, the planning and implementation of energy programs authorized under this part, including section 2151e of this title, and shall consult with the Department of Energy on such planning and implementation.

(Pub. L. 87-195, pt. I, § 119, as added Pub. L. 95-88, title I, § 114, Aug. 3, 1977, 91 Stat. 538, and amended Pub. L. 95-424, title I, § 111, Oct. 6, 1978, 92 Stat. 948; Pub. L. 96-53, title I, §§ 104(c), 107, Aug. 14, 1979, 93 Stat. 362; 1979 Reorg. Plan No. 2, § 6(b)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-53, § 107(a), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 96–53, §§ 104(c), 107, redesignated former subsec. (a) as (b) and, as so redesignated, substituted provisions limiting programs to research on and development and use of renewable energy sources, for provisions authorizing programs to emphasize research and development and use of such energy sources. Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 96–53, § 107(b), added subsec. (c).

Subsec. (d). Pub. L. 96–53, § 107(b), redesignated former subsec. (b) as (d).

1978—Subsec. (a). Pub. L. 95–424 redesignated subsec. (a)(1) as (a), and in subsec. (a) as so designated, struck out "Programs under this subsection shall be undertaken, whenever appropriate, in cooperation with the Energy Research and Development Administration or its successor and shall be carried out, to the greatest extent possible, through and in conjunction with activities under section 2151e of this title" following "section 2151a of this title"; substituted "Such programs shall also be directed" for "These programs shall be directed", and struck out subsec. (a)(2) mandating that of the funds available to carry out this part for fiscal 1978, up to $18,000,000 are to be used to carry out this subsection.

Subsec. (b). Pub. L. 95–424 redesignated subsec. (b)(1) as (b), and in subsec. (b) as so designated, substituted provisions directing the agency primarily responsible for administering this subchapter to coordinate and consult in planning and implementation of energy programs with the Department of Energy, for provision authorizing the President to carry out studies to identify energy needs, uses, etc., in developing countries, the results of such studies to be reported to Congress by March 1, 1978, and struck out subsec. (b)(2) relating to a review of options for implementation by the Agency for International Development, the President to submit a comprehensive report on such review to Congress by Jan. 31, 1978.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

TRANSFER OF FUNCTIONS

"The Director of the United States International Development Cooperation Agency" was substituted for "The agency primarily responsible for administering subchapter I of this chapter" in subsec. (d), pursuant to Reorg. Plan No. 2 of 1979, § 6(b)(1), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, as provided by section 1–101 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title, which transferred all functions and authorities of the agency primarily responsible for administering subchapter I of this chapter under this section to the Director of the United States International Development Cooperation Agency.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by section 1–102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 292a, 3262 of this title; title 12 sections 635, 635g.

§ 2151r. Sahel development program; planning

(a) Congressional support

The Congress reaffirms its support of the initiative of the United States Government in undertaking consultations and planning with the countries concerned, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations, toward the development and support of a comprehensive long-term African Sahel development program.

(b) Presidential authorization

The President is authorized to develop a long-term comprehensive development program for the Sahel and other drought-stricken nations in Africa.

(c) Presidential guidelines

In developing this long-term program, the President shall—

(1) consider international coordination for the planning and implementation of such program;

(2) seek greater participation and support by African countries and organizations in determining development priorities; and

(3) begin such planning immediately.

(d) Repealed. Pub. L. 95–424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959

(Pub. L. 87–195, pt. I, § 120, formerly pt. III, § 639B, as added Pub. L. 93–189, § 20, Dec. 17, 1973, 87 Stat. 725, renumbered pt. I, § 494B, and amended Pub. L. 94–161, title I, § 101(5), (7), Dec. 20, 1975, 89 Stat. 850, and renumbered pt. I, § 120, and amended Pub. L. 95–88, title I, § 115(1), (2), Aug. 3, 1977, 91 Stat. 539; Pub. L. 95–424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959.)

CODIFICATION

Section was formerly classified to sections 2292e and 2399–1b of this title.

AMENDMENTS

1978—Subsec. (d). Pub. L. 95–424 struck out subsec. (d), authorizing appropriations for development of a long-term African Sahel development program.

1977—Pub. L. 95–88, § 115(2), substituted "Sahel" for "African" in the section catchline.

1975—Pub. L. 94–161, § 101(7)(A), deleted "Sahel" following "African" in section heading.

Subsec. (a). Pub. L. 94–161, § 101(7)(B), (C), designated existing provisions as subsec. (a) and substituted "Congress reaffirms its support of" for "Congress supports".

Subsecs. (b) to (d). Pub. L. 94–161, § 101(7)(D), added subsecs. (b) to (d).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by section 1–102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2151s. Sahel development program; implementation

(a) Assistance

The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the long-term development of the Sahelian region. Assistance furnished under this section shall be in accordance with a long-term, multidonor development plan which calls for equitable burdensharing with other donors and shall be furnished, whenever appropriate, in cooperation with an international coordinating mechanism.

(b) Annual report

The President shall prepare an annual report on the Sahel Development Program concerning the allocation of the United States contribution to the Program, the extent of the contributions from other donor countries, the effectiveness of the integrated effort through the Club des Amis du Sahel, and the progress made in achieving the objectives of the Program.

(c) Authorization of appropriations

There are authorized to be appropriated to the President for purposes of this section beginning in the fiscal year 1978, in addition to funds otherwise available for such purposes, $200,000,000, except that not to exceed $50,000,000 may be appropriated under this section for the fiscal year 1978. In addition to the amount authorized in the preceding sentence and to funds otherwise available for such purposes, there are authorized to be appropriated to the President for purposes of this section $25,000,000. Amounts appropriated under this section are authorized to remain available until expended.

(Pub. L. 87-195, pt. I, § 121, as added Pub. L. 95-88, title I, § 115(3), Aug. 3, 1977, 91 Stat. 539; Pub. L. 96-53, title I, § 108, Aug. 14, 1979, 93 Stat. 363.)

AMENDMENTS

1979—Subsec. (c). Pub. L. 96-53 added provisions authorizing additional appropriation of $25,000,000.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2151t. Development assistance authority

(a) Authority of President to furnish assistance

In order to carry out the purposes of this part, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to countries and areas through programs of grant and loan assistance, bilaterally or through regional, multilateral, or private entities.

(b) Authority of President to make loans; terms and conditions

The President is authorized to make loans payable as to principal and interest in United States dollars on such terms and conditions as he may determine, in order to promote the economic development of countries and areas, with emphasis upon assisting long-range plans and programs designed to develop economic resources and increase productive capacities. The President shall determine the interest payable on any loan. In making loans under this part, the President shall consider the economic circumstances of the borrower and other relevant factors, including the capacity of the recipient country to repay the loan at a reasonable rate of interest, except that loans may not be made at a rate of interest of less than 3 per centum per annum commencing not later than ten years following the date on which the funds are initially made available under the loan, during which ten-year period the rate of interest shall not be lower than 2 per centum per annum, nor higher than the applicable legal rate of interest of the country in which the loan is made.

(c) Dollar receipts from loans to be paid into Treasury

Dollar receipts paid during any fiscal year from loans made under subchapter I of this chapter or from loans made under predecessor foreign assistance legislation shall be deposited in the Treasury as miscellaneous receipts.

(d) Assistance to research and educational institutions in United States; limitation on amounts

Not to exceed $10,000,000 of the funds made available each fiscal year for the purposes of this part may be used for assistance, on such terms and conditions as the President may determine, to research and educational institutions in the United States for the purpose of strengthening their capacity to develop and carry out programs concerned with the economic and social development of developing countries.

(e) Development Loan Committee; establishment; duties; appointment of officers

The President shall establish an interagency Development Loan Committee, consisting of such officers from such agencies of the United States Government as he may determine, which shall, under the direction of the President, establish standards and criteria for lending operations under this part in accordance with the foreign and financial policies of the United States. Except in the case of officers serving in positions to which they were appointed by the President by and with the advice and consent of the Senate, officers assigned to the Committee shall be so assigned by the President by and with the advice and consent of the Senate.

(Pub. L. 87-195, pt. I, § 122, as added Pub. L. 95-424, title I, § 102(a), (b)(1), (c)(1), (d), Oct. 6, 1978, 92 Stat. 940, 941.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346c

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any

sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b, 2346c), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

PRIOR PROVISIONS

Subsec. (b) of this section consists of provisions formerly contained in subsections (b), (c), and (d) of section 2161 of this title. Subsec. (e) of this section consists of provisions formerly contained in section 2164 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with the exception of those functions in subsec. (e) of this section and certain other exceptions, by sections 1-102(a)(1), (g), 1-701(a), and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2220d, 2221, 2351 of this title; title 7 sections 1703, 1706.

§ 2151u. Private and voluntary organizations and cooperatives in overseas development

(a) Congressional finding of importance of participation by private and voluntary organizations

The Congress finds that the participation of rural and urban poor people in their countries' development can be assisted and accelerated in an effective manner through an increase in activities planned and carried out by private and voluntary organizations and cooperatives. Such organizations and cooperatives, embodying the American spirit of self-help and assistance to others to improve their lives and incomes, constitute an important means of mobilizing private American financial and human resources to benefit poor people in developing countries. The Congress declares that it is in the interest of the United States that such organizations and cooperatives expand their overseas development efforts without compromising their private and independent nature. The Congress further declares that the financial resources of such organizations and cooperatives should be supplemented by the contribution of public funds for the purpose of undertaking development activities in accordance with the principles set forth in section 2151-1 of this title. The Congress urges the Administrator of the agency primarily responsible for administering subchapter I of this chapter, in implementing programs authorized under subchapter I of this chapter, to draw on the resource of private and voluntary organizations and cooperatives to plan and carry out development activities.

(b) Payment of transportation charges on shipments by American National Red Cross and United States voluntary agencies

In order to further the efficient use of United States voluntary contributions for development, relief, and rehabilitation of friendly peoples, the President is authorized to use funds made available for the purposes of this part to pay transportation charges on shipments by the American National Red Cross and by United States voluntary agencies registered with the Agency for International Development.

(c) Reimbursement for transportation charges

Reimbursement under this section may be provided for transportation charges on shipments from United States ports, or in the case of excess or surplus property supplied by the United States from foreign ports, to ports of entry abroad or to points of entry abroad in cases (1) of landlocked countries, (2) where ports cannot be used effectively because of natural or other disturbances, (3) where carriers to a specified country are unavailable, or (4) where a substantial savings in costs or time can be effected by the utilization of points of entry other than ports.

(d) Arrangements with receiving country for free entry of shipments and for availability of local currency to defray transportation costs

Where practicable, the President shall make arrangements with the receiving country for free entry of such shipments and for the making available by the country of local currencies for the purpose of defraying the transportation costs of such shipments from the port or point of entry of the receiving country to the designated shipping point of the consignee.

(Pub. L. 87-195, pt. I, § 123, as added Pub. L. 95-424, title I, § 102(e), Oct. 6, 1978, 92 Stat. 941, and amended Pub. L. 96-53, title I, § 121, Aug. 14, 1979, 93 Stat. 366.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346c

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b, 2346c), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (b). Pub. L. 96-53 substituted "Agency for International Development" for "Advisory Committee on Voluntary Foreign Aid".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by section 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

AFRICAN DEVELOPMENT FOUNDATION

Section 122 of Pub. L. 95-424 provided that:

"(a) The Congress declares that the United States should place higher priority on the formulation and implementation of policies and programs to enable the people of African nations to develop their potential, fulfill their aspirations, and enjoy better, more productive lives. In furtherance of these objectives, the Congress finds that additional support is needed for community-based self-help activities in Africa and that an African Development Foundation, organized to further the purposes set forth in section 123 of the Foreign Assistance Act of 1961 [this section], can complement current United States development programs in Africa.

"(b) The Congress therefore requests that the President report to the Congress not later than February 1, 1979, on steps he has taken to review proposals for an African Development Foundation."

§ 2151v. Aid to relatively least developed countries

(a) Characterization of least developed countries

Relatively least developed countries (as determined on the basis of criteria comparable to those used for the United Nations General Assembly list of "least developed countries") are characterized by extreme poverty, very limited infrastructure, and limited administrative capacity to implement basic human needs growth strategies. In such countries special measures may be necessary to insure the full effectiveness of assistance furnished under subchapter I of this chapter.

(b) Assistance on grant basis

For the purpose of promoting economic growth in these countries, the President is authorized and encouraged to make assistance under this part available on a grant basis to the maximum extent that is consistent with the attainment of United States development objectives.

(c) Waiver of principal and interest on prior liability

(1) The Congress recognizes that the relatively least developed countries have virtually no access to private international capital markets. Insofar as possible, prior assistance terms should be consistent with present grant assistance terms for relatively least developed countries. Therefore, notwithstanding section 2370(r) of this title and section 321 of the International Development and Food Assistance Act of 1975 but subject to paragraph (2) of this subsection, the President on a case-by-case basis, taking into account the needs of the country for financial resources and the commitment of the country to the development objectives set forth in sections 2151 and 2151-1 of this title—

(A) may permit a relatively least developed country to place amounts, which would otherwise be paid to the United States as payments on principal or interest on liability incurred by that country under subchapter I of this chapter (or any predecessor legislation) into local currency accounts (in equivalent amounts of local currencies as determined by the official exchange rate for United States dollars) for use by the relatively least developed country, with the concurrence of the Administrator of the agency primarily responsible for administering subchapter I of this chapter, for activities which are consistent with section 2151-1 of this title; and

(B) may waive interest payments on liability incurred by a relatively least developed country under subchapter I of this chapter (or any predecessor legislation) if the President determines that that country would be unable to use for development purposes the equivalent amounts of local currencies which could be made available under subparagraph (A).

(2) The aggregate amount of interest waived and interest and principal paid into local currency accounts under this subsection in any fiscal year may not exceed the amount approved for such purpose in an Act appropriating funds to carry out this part for that fiscal year, which amount may not exceed the amount authorized to be so approved by the annual authorizing legislation for development assistance programs. Amounts due and payable during fiscal year 1980 to the United States from relatively least developed countries on loans made under this subchapter (or any predecessor legislation) are authorized to be approved for use, in accordance with the provisions of paragraph (1) of this subsection, in an amount not to exceed $18,800,000.

(3) In exercising the authority granted by this subsection, the President should act in concert with other creditor countries.

(d) Waiver of requirement of contribution

The President may on a case-by-case basis waive the requirement of section 2151h(a) of this title for financial or "in kind" contributions in the case of programs, projects, or activities in relatively least developed countries.

(e) Waiver of time limitations on aid

Section 2151h(b) of this title shall not apply with respect to grants to relatively least developed countries.

(Pub. L. 87-195, pt. I, § 124, as added Pub. L. 95-424, title I, § 112(a)(1), Oct. 6, 1978, 92 Stat. 948, and amended Pub. L. 96-53, title I, § 109, Aug. 14, 1979, 93 Stat. 363.)

REFERENCES IN TEXT

Section 321 of the International Development and Food Assistance Act of 1975, referred to in subsec. (c)(1), is section 321 of Pub. L. 94-161, Dec. 20, 1975, 89 Stat. 868, which is set out as a note under section 2220a of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346c

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b, 2346c), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (c)(2). Pub. L. 96-53 added provisions respecting use of funds due and payable during fiscal year 1980 to the United States.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE

Section 112(a)(2) of Pub. L. 94-424 provided that: "The authority granted by section 124(c) of the Foreign Assistance Act of 1961 [subsec. (c) of this section] shall not become effective until October 1, 1979."

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by section 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2151w. Project and program evaluations

(a) The Director of the United States International Development Cooperation Agency is directed to improve the assessment and evaluation of the programs and projects carried out by that agency under this part. The Director shall consult with the appropriate committees of the Congress in establishing standards for such evaluations.

(b) The President shall report on actions taken by the international financial institutions and the United Nations Development Program to improve the evaluation of projects and programs conducted by those institutions. The report required by this subsection shall be submitted as a part of the report required by section 2394 of this title.

(Pub. L. 87-195, pt. I, § 125, as added Pub. L. 95-424, title I, § 113, Oct. 6, 1978, 92 Stat. 950; 1979 Reorg. Plan No. 2, § 6(b)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379.)

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

TRANSFER OF FUNCTIONS

"The Director of the United States International Development Cooperation Agency" and "Director" were substituted for "The Administrator of the agency primarily responsible for administering subchapter I of this chapter" and "Administrator", respectively, in subsec. (a), pursuant to Reorg. Plan No. 2 of 1979, § 6(b)(1), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, as provided by section 1-101 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title, which transferred all functions and authorities vested in the agency primarily responsible for administering subchapter I of this chapter or in its Administrator under this section to the Director of the United States International Development Cooperation Agency.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (b) of this section were delegated to the Director of the United States International Development Cooperation Agency to be exercised in consultation with the Secretary of the Treasury and, with regard to the United Nations Development Program, in consultation with the Secretary of State pursuant to section 1-102(a)(1), (c) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2151x. Development and illicit narcotics production

(a) Congressional statement of findings

The Congress recognizes that illicit narcotics cultivation is related to overall development problems and that the vast majority of all individuals employed in the cultivation of illicit narcotics reside in the developing countries and are among the poorest of the poor in those countries and that therefore the ultimate success of any effort to eliminate illicit narcotics production depends upon the availability of alternative economic opportunities for those individuals, upon other factors which assistance under this part could address, as well as upon direct narcotics control efforts.

(b) Program planning priorities

In planning programs of assistance under this part for countries in which there is illicit narcotics cultivation, the agency primarily responsible for administering subchapter I of this chapter should give priority consideration to programs which would help reduce illicit narcotics cultivation by stimulating broader development opportunities.

(c) Administrative requirements

In furtherance of the purposes of this section, the agency primarily responsible for administering subchapter I of this chapter shall cooperate fully with, and share its expertise in development matters with, other agencies of the United States Government involved in narcotics control activities abroad.

(Pub. L. 87-195, pt. I, § 126, as added Pub. L. 96-53, title I, § 110, Aug. 14, 1979, 93 Stat. 363.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346c

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b, 2346c), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

§ 2151y. Accelerated loan repayments; annual review of countries with bilateral concessional loan balances; priority of determinations respecting negotiations with countries having balances; criteria for determinations

The Administrator of the agency primarily responsible for administering subchapter I of this chapter shall conduct an annual review of bilateral concessional loan balances and shall determine and identify those countries whose financial resources make possible accelerated loan repayments. In particular, European countries that were recipients of concessional loans by predecessor agencies to the agency primarily responsible for administering subchapter I of this chapter shall be contacted to negotiate accelerated repayments. The criteria used by the Administrator in making these determinations shall be established in conjunction with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Pub. L. 87-195, pt. I, § 127, as added Pub. L. 96-53, title V, § 508(a), Aug. 14, 1979, 93 Stat. 379.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346c

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b, 2346c), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

NEGOTIATING EFFORTS CONCERNING ACCELERATED LOAN REPAYMENTS TO BE INCLUDED IN ANNUAL REPORTS ON FOREIGN ASSISTANCE FOR 1980 AND 1981

Section 508(b) of Pub. L. 96-53 provided that: "The annual reports on foreign assistance which are submitted to the Congress in 1980 and 1981 pursuant to section 634 of the Foreign Assistance Act of 1961 [section 2394 of this title] shall describe the efforts made to negotiate accelerated loan repayments in accordance with the amendment made by subsection (a) of this section. [enacting this section]."

PART II—OTHER PROGRAMS

§§ 2161, 2162. Repealed. Pub. L. 95-424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2161, Pub. L. 87-195, pt. I, § 201, Sept. 4, 1961, 75 Stat. 426; Pub. L. 87-565, pt. I, § 102, Aug. 1, 1962, 76 Stat. 256; Pub. L. 88-205, pt. I, § 102(a), Dec. 16, 1963, 77 Stat. 380; Pub. L. 88-633, pt. I, § 101, Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89-583, pt. I, § 102(a), Sept. 19, 1966, 80 Stat. 796; Pub. L. 90-137, pt. I, § 102(a), (b), Nov. 14, 1967, 81 Stat. 447; Pub. L. 90-554, pt. I, § 101(a), Oct. 8, 1968, 82 Stat. 960, related to the establishment by the President of the Development Loan Fund.

Section 2162, Pub. L. 87-195, pt. I, § 202, Sept. 4, 1961, 75 Stat. 426; Pub. L. 88-205, pt. I, § 102(b), Dec. 16, 1963, 77 Stat. 380; Pub. L. 89-583, pt. I, § 102(b), Sept. 19, 1966, 80 Stat. 796; Pub. L. 90-137, pt. I, § 102(c), Nov. 14, 1967, 81 Stat. 447; Pub. L. 90-554, pt. I, § 101(b), Oct. 8, 1968, 82 Stat. 960; Pub. L. 91-175, pt. I, § 101(a), Dec. 30, 1969, 83 Stat. 805; Pub. L. 92-226, pt. I, § 101(a), Feb. 7, 1972, 86 Stat. 21, related to authorization of appropriations, availability of funds, and encouragement of development through private enterprise.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2164. Repealed. Pub. L. 95-424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section, Pub. L. 87-195, pt. I, § 204, Sept. 4, 1961, 75 Stat. 427, related to the establishment, duties and appointment of officers of the Development Loan Committee. The provisions of this section were redesignated as subsec. (e) of section 2151t of this title by section 102(d)(1), (2) of Pub. L. 95-424.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SUBPART I—MULTILATERAL AND REGIONAL DEVELOPMENT PROGRAMS

§ 2167, 2168. Repealed. Pub. L. 95-424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2167, Pub. L. 87-195, pt. I, § 207, as added Pub. L. 90-137, pt. I, § 102(e), Nov. 14, 1967, 81 Stat. 448, related to the placement of emphasis on democratic institutions, agriculture, education, public health and other needs, in the furnishing of development assistance.

Section 2168, Pub. L. 87-195, pt. I, § 208, as added Pub. L. 90-137, pt. I, § 102(e), Nov. 14, 1967, 81 Stat.

448, related to the taking into account, in determining to what extent the United States should furnish assistance, of the country's own efforts to aid itself.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2169. Multilateral, regional, and bilateral programs

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

ESTABLISHMENT OF STANDARD GOVERNING ALLOCATION OF DEVELOPMENT ASSISTANCE FOR PRODUCTION AND EXPORT OF COMMODITIES IN SURPLUS IN WORLD MARKET; PRESIDENTIAL INITIATION OF INTERNATIONAL CONSULTATIONS; REPORT BY PRESIDENT TO CONGRESS

Pub. L. 95-481, title VI, § 610, Oct. 18, 1978, 92 Stat. 1602, provided that: "The President shall initiate wide international consultations beginning with the member nations of the Organization of Economic Cooperation and Development (OECD), designed to develop a viable standard governing the allocation of development assistance for the production and export of commodities. Such consultations shall relate to commodities which are in surplus in the world market and if produced for export would cause substantial harm to producers of the same, similar or competing products. Not later than one year after the enactment of this Act [Oct. 18, 1978] the President shall report to the President of the Senate, the Speaker of the House of Representatives, and the Chairmen of the House and Senate Appropriations Committees on the progress made in carrying out this section."

§§ 2171, 2172. Repealed. Pub. L. 95-424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2171, Pub. L. 87-195, pt. I, § 211, Sept. 4, 1961, 75 Stat. 427; Pub. L. 87-565, pt. I, § 103(a), Aug. 1, 1962, 76 Stat. 256; Pub. L. 89-583, pt. I, § 103(a), Sept. 19, 1966, 80 Stat. 797; Pub. L. 90-554, pt. I, § 102(a), Oct. 8, 1968, 82 Stat. 960; Pub. L. 93-189, § 4(1), Dec. 17, 1973, 87 Stat. 717, related to the general authority of the President to furnish assistance and the considerations to be taken into account.

Section 2172, Pub. L. 87-195, pt. I, § 212, Sept. 4, 1961, 75 Stat. 428; Pub. L. 87-565, pt. I, § 103(b), Aug. 1, 1962, 76 Stat. 256; Pub. L. 88-205, pt. I, § 103(a), Dec. 16, 1963, 77 Stat. 381; Pub. L. 88-633, pt. I, § 102(b), Oct. 7, 1964, 78 Stat. 1009; Pub. L. 89-171, pt. I, § 103(a), Sept. 6, 1965, 79 Stat. 654; Pub. L. 89-583, pt. I, § 103(b), Sept. 19, 1966, 80 Stat. 797; Pub. L. 90-137, pt. I, § 103(b), Nov. 14, 1967, 81 Stat. 449; Pub. L. 90-554, pt. I, § 102(b), Oct. 8, 1968, 82 Stat. 960; Pub. L. 91-175, pt. I, § 102, Dec. 30, 1969, 83 Stat. 805; Pub. L. 92-226, pt. I, § 102(a), Feb. 7, 1972, 86 Stat. 22, related to authorization of appropriations.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SUBPART II—AMERICAN SCHOOLS AND HOSPITALS ABROAD; PROTOTYPE DESALTING PLANTS

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 2361, 2395 of this title.

§ 2174. American schools, libraries, and hospital centers abroad

[See main edition for text of (a) and (b)]

(c) Authorization of appropriations

To carry out the purposes of this section, there are authorized to be appropriated to the President $25,000,000 for the fiscal year 1980, which are authorized to remain available until expended.

(d) Pediatric plastic and reconstructive surgery centers

Notwithstanding the provisions of subsection (b) of this section, funds appropriated under this section may be used for assistance to centers for pediatric plastic and reconstructive surgery established by Children's Medical Relief International, except that assistance may not be furnished for the domestic operations of any such center located in the United States, its territories or possessions.

(e) Repealed. Pub. L. 95-424, title I, § 114, Oct. 6, 1978, 92 Stat. 950

(As amended Pub. L. 95-88, title I, § 116(a), Aug. 3, 1977, 91 Stat. 539; Pub. L. 95-424, title I, § 114, Oct. 6, 1978, 92 Stat. 950; Pub. L. 96-53, title I, § 111, Aug. 14, 1979, 93 Stat. 363.)

REFERENCES IN TEXT

The Mutual Defense Assistance Control Act of 1951, referred to in subsec. (b), is act Oct. 26, 1951, ch. 575, 65 Stat. 644, as amended, which was classified generally to chapter 20A (§ 1611 et seq.) of this title prior to its supersedure by section 2416(e) of the Appendix to Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1979—Subsec. (c). Pub. L. 96-53 extended authorization of appropriations from fiscal year 1979 to fiscal year 1980.

1978—Subsec. (c). Pub. L. 95-424 substituted "$25,000,000 for the fiscal year 1979, which amount is" for "for the fiscal year 1977, $25,000,000, and for the fiscal year 1978, $25,000,000, which amounts are".

Subsecs. (d) to (f). Pub. L. 95-424 struck out subsec. (d) relating to authorization of appropriations, and subsec. (e) relating to submission of recommendations to Congress by the Secretary of State concerning assistance, and redesignated former subsec. (f) as (d).

1977—Subsec. (c). Pub. L. 95-88, § 116(a)(1), struck out provisions authorizing appropriations of $19,000,000 for each of the fiscal years 1974 and 1975 and $25,000,000 for fiscal year 1976 and added provisions authorizing an appropriation of $25,000,000 for fiscal year 1978.

Subsec. (d). Pub. L. 95-88, § 116(a)(2), struck out provisions authorizing appropriations of $6,500,000 for each of the fiscal years 1974 and 1975 and an appropriation of $7,000,000 for fiscal year 1976 and added provisions authorizing an appropriation of $7,000,000 for fiscal year 1978.

Subsec. (f). Pub. L. 95-88, § 116(b), added subsec. (f).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effec-

tive Date of 1978 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 116(b) of Pub. L. 95-88 provided that: "The amendment made by subsection (a)(3) [enacting subsec. (f) of this section] shall not apply to funds appropriated before the date of enactment of this Act [Aug. 3, 1977]."

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2175. Repealed. Pub. L. 95-424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section, Pub. L. 87-195, pt. I, § 215, Sept. 4, 1961, 75 Stat. 428, related to loans to small farmers.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§§ 2176 to 2178. Repealed. Pub. L. 95-424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2176, Pub. L. 87-195, pt. I, § 216, Sept. 4, 1961, 75 Stat. 429; Pub. L. 88-633, pt. I, § 102(d), Oct. 7, 1964, 78 Stat. 1009, related to payment by the United States of transportation charges of the American Red Cross and United States voluntary nonprofit relief agencies.

Section 2177, Pub. L. 87-195, pt. I, § 217, as added Pub. L. 88-633, pt. I, § 102(e), Oct. 7, 1964, 78 Stat. 1009, related to a determination of the feasibility of establishing programs for the furnishing to less developed countries of used tools, machinery, etc., to be donated by private enterprise.

Section 2178, Pub. L. 87-195, pt. I, § 213, as added Pub. L. 90-137, pt. I, § 103(a), Nov. 14, 1967, 81 Stat. 450, related to the demonstration of the use of fish and other protein concentrates as a means of reducing nutritional deficiencies in less developed countries.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2179. Prototype desalting plant

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§§ 2180, 2180a. Repealed. Pub. L. 95-424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2180, Pub. L. 87-195, pt. I, § 220, as added Pub. L. 91-175, pt. I, § 104, Dec. 30, 1969, 83 Stat. 807, related to programs for peaceful communications using television, etc., for educational, health, etc., purposes.

Section 2180a, Pub. L. 87-195, pt. I, § 220A, as added Pub. L. 92-226, pt. I, § 102(c), Feb. 7, 1972, 86 Stat. 22, related to assistance in the reopening of the Suez Canal.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SUBPART III—HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in section 2394-1 of this title.

§ 2181. Housing guarantees

The Congress recognizes that shelter requirements are among the most fundamental of human needs. Shelter for most people in the developing countries consists largely of domestic materials assembled by local labor. While recognizing that most financing for such housing must come from domestic resources, the Congress finds that carefully designed programs involving United States capital and expertise can increase the availability of domestic financing for improved housing and related services for low-income people by demonstrating to local entrepreneurs and institutions that providing low-cost housing can be financially viable. The Congress reaffirms, therefore, that the United States should continue to assist developing countries in marshalling resources for low-cost housing. Particular attention should be given to programs which will support pilot projects for low-cost shelter or which will have a maximum demonstration impact on local institutions and national policy. The Congress declares that the long run goal of all such programs should be to develop domestic construction capabilities and to stimulate local credit institutions to make available domestic capital and other management and technological resources required for effective low-cost shelter programs and policies.

(As amended Pub. L. 95-88, title I, § 117(a)(1), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95-424, title I, § 115(a), Oct. 6, 1978, 92 Stat. 950.)

AMENDMENTS

1978—Pub. L. 95-424 generally revised the statement of policy to clarify that in developing countries, financing, materials and labor for most housing must be obtained from local sources, while United States capital and technical expertise can increase the availability of housing and related services for low-income people by demonstrating financial viability of credit systems for low-cost housing.

1977—Pub. L. 95-88 struck out provisions that the total face amount of guaranties issued under this section outstanding at any one time not exceed $430,000,000 and added section 2182(c) of this title to the enumeration of sections setting out the conditions under which guaranties shall be issued.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2182, 2183 of this title; title 12 sections 1432, 1464.

§ 2182. Authorization for worldwide housing guarantees

(a) Authorization to issue guarantees to eligible investors

To carry out the policy of section 2181 of this title, the President is authorized to issue guaranties to eligible investors (as defined in section 2198(c) of this title) assuring against losses incurred in connection with loans made for projects meeting the criteria set forth in section 2181 of this title. The total principal amount of guaranties issued under this subpart or heretofore issued under prior housing guaranty authorities, which are outstanding at any one time, shall not exceed $1,555,000,000. The authority of this section shall continue through September 30, 1982. The President may issue regulations from time to time with regard to the terms and conditions upon which such guaranties shall be issued and the eligibility of lenders.

(b) Emphasis on certain activities

Activities carried out under this section shall emphasize—

(1) projects which provide improved home sites to poor families on which to build shelter, and related services;

(2) projects comprised of expandable core shelter units on serviced sites;

(3) slum upgrading projects designed to conserve and improve existing shelter;

(4) shelter projects for low-income people designed for demonstration or institution building purposes; and

(5) community facilities and services in support of projects authorized under this section to improve the shelter occupied by the poor.

(c) Use of solar energy technology

In issuing guaranties under this section with respect to projects in a country which require the use or conservation of energy, the President shall give consideration to the use of solar energy technologies, where such technologies are economically and technically feasible. Technologies which may be used include solar hot water systems, solar heating and cooling, passive solar heating, biomass conversion, photovoltaic and wind applications, and community-scale solar thermal applications.

(As amended Pub. L. 95-88, title I, § 117(a)(2), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95-424, title I, § 115(a), Oct. 6, 1978, 92 Stat. 950; Pub. L. 96-53, title I, § 112(a), Aug. 14, 1979, 93 Stat. 363.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-53 substituted "$1,555,000,000" for "$1,180,000,000", and "through September 30, 1982" for "until September 30, 1980".

1978—Pub. L. 95-424 amended section generally to provide a new consolidated section which provides a single authorization for the worldwide housing guarantee program, a new list of the types of programs to be emphasized, increased the worldwide authorization to $1,180,000,000, and encourages officials and governments in developing countries to consider the use of solar energy in housing projects.

1977—Subsec. (c). Pub. L. 95-88 added "or under section 2181 of this title" following "Latin American housing guaranty authority repealed by the Foreign Assistance Act of 1969" and substituted "$1,030,000,000" for "$600,000,000".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2182a. Agricultural and productive credit and self-help community development programs

(a) Financing pilot programs; scope

It is the sense of the Congress that in order to stimulate the participation of the private sector in the economic development of less-developed countries in Latin America, the authority conferred by this section should be used to establish pilot programs in not more than six Latin American countries to encourage private banks, credit institutions, similar private lending organizations, cooperatives, and private nonprofit development organizations to make loans on reasonable terms to organized groups and individuals residing in a community for the purpose of enabling such groups and individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. Agricultural credit and assistance for self-help community development projects should include, but not be limited to, material and such projects as wells, pumps, farm machinery, improved seed, fertilizer, pesticides, vocational training, food industry development, nutrition projects, improved breeding stock for farm animals, sanitation facilities, and looms and other handicraft aids.

[*See main edition for text of* (b)]

(c) Total and individual amount of guaranties

The total face amount of guaranties issued under this section outstanding at any one time shall not exceed $20,000,000. Not more than 10 per centum of such sum shall be provided for any one institution, cooperative, or organization.

[*See main edition for text of* (d) *to* (g)]

(h) Termination of authority

The authority of this section shall continue through September 30, 1982.

[*See main edition for text of* (i)]

(j) Repealed. Pub. L. 95–424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959

(As amended Pub. L. 95–88, title I, § 117(b)(1), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95–424, title I, § 115(b), title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 951, 959; Pub. L. 96–53, title I, § 112(b), Aug. 14, 1979, 93 Stat. 364.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96–53, § 112(b)(1), substituted "six" for "five".

Subsec. (c). Pub. L. 96–53, § 112(b)(2), substituted "$20,000,000" for "$15,000,000".

Subsec. (h). Pub. L. 96–53, § 112(b)(3) substituted "through September 30, 1982" for "until September 30, 1979".

1978—Subsec. (h). Pub. L. 95–424, § 115(b), substituted "September 30, 1979" for "September 30, 1978".

Subsec. (j). Pub. L. 95–424, § 502(d)(1), struck out subsec. (j), relating to a Presidential report to Congress on the results of the program established under this section.

1977—Subsec. (h). Pub. L. 95–88 substituted "September 30, 1978" for "December 31, 1977".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2183. General provisions

(a) Fees; determination by President; reduction

A fee shall be charged for each guaranty issued under section 2182 or 2182a of this title in an amount to be determined by the President. In the event the fee to be charged for such type of guaranty is reduced, fees to be paid under existing contracts for the same type of guaranty may be similarly reduced.

(b) Accumulated and existing fees; expenditure of fees

The amount of $50,000,000 of fees accumulated under prior investment guaranty provisions repealed by the Foreign Assistance Act of 1969, together with all fees collected in connection with guaranties issued under section 2182 of this title or under prior housing guaranty authorities, shall be available for meeting necessary administrative and operating expenses of carrying out the provisions of section 2182 of this title and administering housing guaranties heretofore authorized under this subpart and under prior housing guaranty provisions repealed by the Foreign Assistance Act of 1969 (including, but not limited to expenses pertaining to personnel, supplies, and printing), subject to such limitations as may be imposed in annual appropriation Acts; for meeting management and custodial costs incurred with respect to currencies or other assets acquired under guaranties made pursuant to section 2182 of this title or heretofore pursuant to this subpart or prior Latin American and other housing guaranty authorities repealed by the Foreign Assistance Act of 1969; and to pay the cost of investigating and adjusting (including costs of arbitration) claims under such guaranties; and shall be available for expenditure in discharge of liabilities under such guaranties until such time as all such property has been disposed of and all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of this subsection. Fees collected in connection with guaranties issued under section 2182a of this title shall likewise be available to meet similar expenses, costs, or liabilities incurred in connection with the programs authorized by that section.

(c) Priorities of funds for guaranty payments

Any payments made to discharge liabilities under guaranties issued under section 2182 of this title or heretofore under this subpart or under prior Latin American or other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, shall be paid first out of fees referred to in subsection (b) of this section (excluding amounts required for purposes other than the discharge of liabilities under guaranties) as long as such fees are available, and thereafter shall be paid out of funds, if any, realized from the sale of currencies or other assets acquired in connection with any payment made to discharge liabilities under such guaranties as long as funds are available, and finally out of funds hereafter made available pursuant to subsection (e) of this section.

(d) Guaranties as obligations backed by full faith and credit of United States

All guaranties issued under section 2182 or 2182a, or previously under section 2200 of this title or heretofore under this subpart or under prior Latin American or other housing guaranty authority repealed by the Foreign Assistance Act of 1969 shall constitute obligations, in accordance with the terms of such guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

[*See main edition for text of* (e)]

(f) Agency determination of maximum rate of interest

In the case of any loan investment guaranteed under section 2182 of this title, the agency primarily responsible for administering subchapter I of this chapter shall prescribe the maximum rate of interest allowable to the eligible investor, which maximum rate shall not

exceed by more than 1 per centum the then current rate of interest applicable to housing mortgages insured by the Department of Housing and Urban Development. The maximum allowable rate of interest under this subsection shall be prescribed by the agency as of the date the project covered by the investment is officially authorized and, prior to the execution of the contract, the agency may amend such rate at its discretion, consistent with the provisions of this subsection.

(g) Guaranties under prior acts

Housing guaranties committed, authorized, or outstanding heretofore under this subpart or under prior housing guaranty authorities repealed by the Foreign Assistance Act of 1969 shall continue subject to provisions of law originally applicable thereto and fees collected hereafter with respect to such guaranties shall be available for the purposes specified in subsection (b) of this section.

[See main edition for text of (h)]

(i) Repealed. Pub. L. 95–424, title I, § 115(i), Oct. 6, 1978, 92 Stat. 952

(j) Guaranties for housing projects; percentage requirement for families with income below median income; face value and average face value fiscal year limitations; face amount for Israel and Egypt

Guaranties shall be issued under section 2182 of this title only for housing projects which are coordinated with and complementary to any development assistance being furnished under part I of this subchapter and which are specifically designed to demonstrate the feasibility and suitability of particular kinds of housing or of financial or other institutional arrangements. Of the aggregate face value of housing guaranties hereafter issued under this subpart, not less than 90 per centum shall be issued for housing suitable for families with income below the median income (below the median urban income for housing in urban areas) in the country in which the housing is located. The face value of guaranties issued with respect to housing in any country shall not exceed $25,000,000 in any fiscal year, and the average face value of guaranties issued in any fiscal year shall not exceed $15,000,000. Of the total amount of housing guaranties authorized to be issued under section 2182 of this title through September 30, 1982, not less than a face amount of $25,000,000 shall be issued for projects in Israel and not less than a face amount of $25,000,000 shall be issued for projects in Egypt.

(As amended Pub. L. 95–88, title I, § 117(a)(3), (b)(2), (c), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95–424, title I, § 115(c)–(j), Oct. 6, 1978, 92 Stat. 951, 952; Pub. L. 96–53, title I, § 112(c), (d), Aug. 14, 1979, 93 Stat. 364.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (f). Pub. L. 96–53, § 112(c), substituted "the Department of Housing and Urban Development" for "such Department", and struck out provisions setting forth minimum rate of interest as not less than one-half of one per centum above the then current rate on mortgages insured by the Department of Housing and Urban Development.

Subsec. (j). Pub. L. 96–53, § 112(d), struck out requirement that except for regional projects, guarantees for housing projects be granted to countries receiving or which have received in the two previous years assistance under part I of this subchapter and substituted provisions authorizing face amounts of housing guarantees through September 30, 1982 of not less than $25,000,000 for Israel and Egypt for provisions authorizing face amounts of housing guarantees until September 30, 1978 of an amount not to exceed $75,000,000 in Israel and $30,000,000 in Portugal and Lebanon.

1978—Subsec. (a). Pub. L. 95–424, § 115(c), substituted "section 2182 or 2182a" for "section 2181, 2182, or 2182a".

Subsec. (b). Pub. L. 95–424, § 115(d), struck out "2181 or" following "guarantees issued under section"; substituted "section 2182 of this title and administering housing guaranties heretofore authorized under this subpart and under" for "section 2181 and section 2182 of this title and of"; struck out "2181 or" after "made pursuant to section", and added "this subpart" after "heretofore pursuant to".

Subsec. (c). Pub. L. 95–424, § 115(e), struck out "section 2181 or" following "guaranties issued under", and added "under this subpart or" after "heretofore".

Subsec. (d). Pub. L. 95–424, § 115(f), substituted "section 2182 or 2182a" for "section 2181, 2182, 2182a", and added "under this subpart" after "heretofore".

Subsec. (f). Pub. L. 95–424, § 115(g), substituted "section 2182" for "section 2181 or 2182".

Subsec. (g). Pub. L. 95–424, § 115(h), added "heretofore under this subpart" after "outstanding".

Subsec. (i). Pub. L. 95–424, § 115(i), struck out subsec. (i), directing that the authority of sections 2181 and 2182 of this title shall continue until Sept. 30, 1979.

Subsec. (j). Pub. L. 95–424, § 115(j), substituted "section 2182" for "sections 2181 and 2182".

1977—Subsec. (b). Pub. L. 95–88, § 117(b)(2), substituted "together with all fees collected in connection with guaranties issued under section 2181 or 2182 of this title or under prior housing guaranty authorities" for "together with all fees collected in connection with guaranties issued hereunder" and added provision that fees collected in connection with guaranties issued under section 2182a of this title shall likewise be available to meet similar expenses, costs, or liabilities incurred in connection with the programs authorized by that section.

Subsec. (i). Pub. L. 95–88, § 117(a)(3), substituted "September 30, 1979" for "September 30, 1978".

Subsec. (j). Pub. L. 95–88, § 117(c), substituted "September 30, 1978" for "September 30, 1977", "$75,000,000" for "$50,000,000" in the provisions relating to housing guaranties in Israel, "$30,000,000" for "$20,000,000" in the provisions relating to housing guaranties in Portugal, and "$30,000,000" for "$15,000,000" in the provisions relating to housing guaranties in Lebanon.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2182a, 2195 of this title.

SUBPART IV—OVERSEAS PRIVATE INVESTMENT CORPORATION

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 2360, 2396, 2394–1 of this title.

§ 2191. Congressional statement of purpose; creation and functions of Corporation

To mobilize and facilitate the participation of United States private capital and skills in the economic and social development of less developed friendly countries and areas, thereby complementing the development assistance objectives of the United States, there is hereby created the Overseas Private Investment Corporation (hereinafter called the "Corporation"), which shall be an agency of the United States under the policy guidance of the Secretary of State.

The Corporation, in determining whether to provide insurance, financing, or reinsurance for a project, shall especially—

(1) be guided by the economic and social development impact and benefits of such a project and the ways in which such a project complements, or is compatible with, other development assistance programs or projects of the United States or other donors; and

(2) give preferential consideration to investment projects in less developed countries that have per capita incomes of $520 or less in 1975 United States dollars, and restrict its activities with respect to investment projects in less developed countries that have per capita incomes of $1,000 or more in 1975 United States dollars.

In carrying out its purpose, the Corporation, utilizing broad criteria, shall undertake—

[*See main edition for text of* (a) *to* (d)]

(e) to the maximum degree possible consistent with its purposes—

(1) to give preferential consideration in its investment insurance, reinsurance, and guaranty activities to investment projects sponsored by or involving United States small business; and

(2) to increase the proportion of projects sponsored by or significantly involving United States small business to at least 30 percent of all projects insured, reinsured, or guaranteed by the Corporation;

(f) to consider in the conduct of its operations the extent to which less developed country governments are receptive to private enterprise, domestic and foreign, and their willingness and ability to maintain conditions which enable private enterprise to make its full contribution to the development process;

(g) to foster private initiative and competition and discourage monopolistic practices;

(h) to further to the greatest degree possible, in a manner consistent with its goals, the balance-of-payments and employment objectives of the United States;

(i) to conduct its activities in consonance with the activities of the agency primarily responsible for administering subchapter I of this chapter and the international trade, investment, and financial policies of the United States Government;

(j) to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in less developed countries and areas;

(k)(1) to decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing for an eligible investor's proposed investment if the Corporation determines that such investment is likely to cause such investor (or the sponsor of an investment project in which such investor is involved) significantly to reduce the number of his employees in the United States production he is replacing his United States production with production from such investment which involves substantially the same product for substantially the same market as his United States production; and (2) to monitor conformance with the representations of the investor on which the Corporation relied in making the determination required by clause (1); and

(*l*) to decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing for an eligible investor's proposed investment if the Corporation determines that such investment is likely to cause a significant reduction in the number of employees in the United States.

(m) Redesignated (k)

(As amended Pub. L. 95-268, § 2, Apr. 24, 1978, 92 Stat. 213.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1978—Pub. L. 95-268 added undesignated paragraph relating to determinations by the Corporation respecting insurance, financing, or reinsurance for a project, in cl. (e) designated existing provisions as subcl. (1) and, as so designated, substituted reference to guaranty activities for reference to financing activities and reference to small businesses for reference to businesses with a net worth of not more than $2,500,000 or with total assets of not more than $7,500,000, and added subcl. (2), struck out cl. (f) relating to encour-

agement and support of private investments for certain less developed friendly countries, redesignated former cls. (g) to (k) as (f) to (j), respectively, struck out former cl. (*l*) relating to preference by the Corporation for projects in countries having a per capita income of $450 or less in 1973 United States dollars, redesignated former cl. (m) as (k), and added cl. (n) which, as added, was redesignated as (*l*).

EX. ORD. NO. 11579. OVERSEAS PRIVATE INVESTMENT CORPORATION

Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055; Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, provided:

[*See main edition for 1st par.; Sec. 1*]

SEC. 2. *Delegation of functions.* (a) [Revoked by Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673.]

(b) The function of prescribing regulations relating to the reinstatement or restoration of officers and employees of the Corporation to other government positions, when their appointment to a position in the Corporation was made from another government position and their separation from the Corporation was not made for cause, is hereby delegated to the Office of Personnel Management.

[*See main edition for text of Secs. 3 and 4*]

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2194, 2200, 3304 of this title.

§ 2192. Capital of the Corporation

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2193. Organization and management

[*See main edition for text of (a)*]

(b) Board of directors

All powers of the Corporation shall vest in and be exercised by or under the authority of its Board of Directors ("the Board") which shall consist of eleven Directors, including the Chairman, with six Directors constituting a quorum for the transaction of business. The Director of the United States International Development Cooperation Agency shall be the Chairman of the Board, ex officio. Six Directors (other than the President of the Corporation, appointed pursuant to subsection (c) of this section who shall also serve as a Director) shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall not be officials or employees of the Government of the United States. At least one of the six Directors appointed under the preceding sentence shall be experienced in small business, one in organized labor, and one in cooperatives. Each such Director shall be appointed for a term of no more than three years. The terms of no more than two such Directors shall expire in any one year. Such Directors shall serve until their successors are appointed and qualified and may be reappointed.

The other Directors shall be officials of the Government of the United States, designated by and serving at the pleasure of the President of the United States.

All Directors who are not officers of the Corporation or officials of the Government of the United States shall be compensated at a rate equivalent to that of level IV of the Executive Schedule when actually engaged in the business of the Corporation and may be paid per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time, while away from their homes or usual places of business.

[*See main edition for text of (c) and (d)*]

(As amended 1979 Reorg. Plan No. 2, § 6(a)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379.)

TRANSFER OF FUNCTIONS

"The Director of the United States International Development Cooperation Agency" was substituted for "The Administrator of the Agency for International Development" in subsec. (b), pursuant to Reorg. Plan No. 2 of 1979, § 6(a)(1), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, as provided by section 1-101 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title, which transferred all functions and authorities of the Administrator of the Agency for International Development under subsec. (b) of this section to the Director of the United States International Development Cooperation Agency.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with the exception of the functions under subsec. (b) of this section and certain other exceptions, by sections 1-102(a)(1), (g) and 1-701(c) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

MEMBERS OF BOARD OF DIRECTORS OF OVERSEAS PRIVATE INVESTMENT CORPORATION

For provisions directing that the United States Trade Representative serve, ex officio, as an additional voting member of the Board of Directors of the Overseas Private Investment Corporation and to serve as the Vice Chair of that Board and authorizing and directing the appointment of an additional member of the Board of Directors of the Overseas Private Investment Corporation as part of the consolidation of the trade functions of the Federal government, see Reorg. Plan No. 3 of 1979, § 4, 44 F.R. 69274, 93 Stat. 1381, eff. Jan. 2, 1980, as provided in section 1-107(a) of Ex. Ord. No. 12188, 45 F.R. 993, set out in the Appendix to Title 5.

§ 2194. Investment insurance and other programs

The Corporation is hereby authorized to do the following:

(a) Investment insurance

[*See main edition for text of (1)*]

(2) Recognizing that major private investments in less developed friendly countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make arrangements with foreign governments (including agencies, instrumentalities, or political subdivisions thereof) or with multilateral organizations and institutions for sharing liabilities assumed under investment insurance for such investments and may in connection therewith issue insurance to investors not otherwise eligible hereunder, except that liabilities assumed by the Corporation under the authority of this subsection shall be consistent with the purposes of this subpart and that the maximum share of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the total project financing.

(3) Not more than 10 per centum of the maximum contingent liability of investment insurance which the Corporation is authorized to issue under this subsection shall be issued to a single investor.

(4) to (7) Repealed. Pub. L. 95-268, § 3(3), Apr. 24, 1978, 92 Stat. 214.

(b) Investment guaranties

To issue to eligible investors guaranties of loans and other investments made by such investors assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine: *Provided, however,* That such guaranties on other than loan investments shall not exceed 75 per centum of such investment: *Provided further,* That except for loan investments for credit unions made by eligible credit unions or credit union associations, the aggregate amount of investment (exclusive of interest and earnings) so guaranteed with respect to any project shall not exceed, at the time of issuance of any such guaranty, 75 per centum of the total investment committed to any such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporation's authority to issue any such guaranty: *Provided further,* That not more than 10 per centum of the maximum contingent liability of investment guaranties which the Corporation is authorized to issue under this subsection shall be issued to a single investor.

(c) Direct investment

To make loans in United States dollars repayable in dollars or loans in foreign currencies (including, without regard to section 724 of title 31, such foreign currencies which the Secretary of the Treasury may determine to be excess to the normal requirements of the United States and the Director of the Office of Management and Budget may allocate) to firms privately owned or of mixed private and public ownership upon such terms and conditions as the Corporation may determine. The Corporation may not purchase or invest in any stock in any other corporation, except that it may (1) accept as evidence of indebtedness debt securities convertible to stock, but such debt securities shall not be converted to stock while held by the Corporation, and (2) acquire stock through the enforcement of any lien or pledge or otherwise to satisfy a previously contracted indebtedness which would otherwise be in default, or as the result of any payment under any contract of insurance or guaranty. The Corporation shall dispose of any stock it may so acquire as soon as reasonably feasible under the circumstances then pertaining. Loans may be made under this subsection only for projects that are sponsored by or significantly involve United States small business or cooperatives.

No loan may be made under this subsection to finance any operation for the extraction of oil or gas. The aggregate amount of loans under this subsection to finance operations for the mining or other extraction of any deposit of ore or other nonfuel minerals may not in any fiscal year exceed $4,000,000.

(d) Investment encouragement

To initiate and support through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, the identification, assessment, surveying and promotion of private investment opportunities, utilizing wherever feasible and effective the facilities of private organizations or private investors, except that—

(1) the Corporation shall not finance any survey to ascertain the existence, location, extent, or quality of, or to determine the feasibility of undertaking operations for the extraction of, oil or gas; and

(2) expenditures financed by the Corporation during any fiscal year on surveys to ascertain the existence, location, extent, or quality of, or to determine the feasibility of undertaking operations for the extraction of nonfuel minerals may not exceed $200,000.

[*See main edition for text of* (e)]

(f) Additional insurance functions

(1) To make and carry out contracts of insurance or reinsurance, or agreements to associate or share risks, with insurance companies, financial institutions, any other persons, or groups thereof, and employing the same, where appropriate, as its agent, or acting as their agent, in the issuance and servicing of insurance, the adjustment of claims, the exercise of subrogation rights, the ceding and accepting of reinsurance, and in any other matter incident to an insurance business; except that (A) such agreements and contracts shall be consistent with the purposes of the Corporation set forth in section 2191 of this title and shall be on equitable terms, and (B) the Corporation shall not make or carry out any association or risk-sharing agreement for the direct underwriting of insurance by the Corporation with others, other than on an individual basis where such direct underwriting facilitates the purposes of the Corporation as set forth in section 2191 of this title.

[*See main edition for text of* (2) *and* (3)]

(4) To issue, upon such terms and conditions as it may determine, reinsurance of liabilities assumed by other insurers or groups thereof in respect of risks referred to in subsection (a)(1) of this section.

The authority granted by paragraph (3) may be exercised notwithstanding the prohibition under subsection (c) of this section against the Corporation purchasing or investing in any stock in any other corporation. The amount of reinsurance of liabilities under this subpart which the Corporation may issue shall not exceed $600,000,000 in any one year, and the amount of such reinsurance shall not in the aggregate exceed at any one time an amount equal to the amount authorized for the maximum contingent liability outstanding at any one time under section 2195(a)(1) of this title. All reinsurance issued by the Corporation under this subsection shall require that the reinsured party retain for his own account specified portions of liability, whether first loss or otherwise, and the Corporation shall endeavor to increase such specified portions to the maximum extent possible.

(As amended Pub. L. 95-268, § 3, Apr. 24, 1978, 92 Stat. 214.)

CODIFICATION

Par. (4) and the concluding provision of subsec. (f) are set out in this Supplement to correct a typographical error in the main edition.

AMENDMENTS

1978—Subsec. (a)(2). Pub. L. 95-268, § 3(1), struck out provisions relating to limitations on maximum share of liabilities assumed under par. (1) of this subsection.

Subsec. (a)(3). Pub. L. 95-268, § 3(2), substituted "maximum contingent liability" for "total face amount".

Subsec. (a)(4) to (7). Pub. L. 95-268, § 3(3), struck out pars. (4) to (7) which set forth requirements for participation by private insurance companies, multilateral organizations, or others in insurance programs, and limitations respecting participation by the Corporation as insurer under contracts of insurance.

Subsec. (b). Pub. L. 95-268, § 3(2), substituted "maximum contingent liability" for "total face amount".

Subsec. (c). Pub. L. 95-268, § 3(4), (5), added provisions setting forth requirements respecting United States small businesses or cooperatives, and substituted provisions relating to aggregate amount of loans for mining or other extraction of ores or other nonfuel minerals, for provisions prohibiting loans for mining or other extraction of ores or other minerals.

Subsec. (d). Pub. L. 95-268, § 3(6), substituted provisions setting forth exception for financing surveys relating to oil and gas and limitation on amount of expenditures for surveys relating to nonfuel minerals, for provisions setting forth proviso relating to surveys for mining of any deposit of ore, oil, gas, or other mineral.

Subsec. (f)(1). Pub. L. 95-268, § 3(7), added provisions setting forth exceptions for agreements and contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2195, 2197, 2199, 2200, 2370 of this title.

§ 2195. Investment insurance

(a) Contingent liability; expiration of authority

[*See main edition for text of (1)*]

(2) The maximum contingent liability outstanding at any one time pursuant to guaranties issued under section 2194(b) of this title shall not exceed in the aggregate $750,000,000: *Provided*, That the Corporation shall not make any commitment to issue any guaranty which would result in a fractional reserve less than 25 per centum of the maximum contingent liability then outstanding against guaranties issued or commitments made pursuant to section 2194(b) of this title or similar predecessor guaranty authority.

[*See main edition for text of (3)*]

(4) The authority of section 2194(a) and (b) of this title shall continue until September 30, 1981.

[*See main edition for text of (b) to (f)*]

(As amended Pub. L. 95-268, § 4, Apr. 24, 1978, 92 Stat. 214.)

AMENDMENTS

1978—Subsec. (a)(2). Pub. L. 95-268, § 4(1), struck out limitation on guaranties by credit unions of not to exceed $1,250,000.

Subsec. (a)(4). Pub. L. 95-268, § 4(2), substituted "September 30, 1981" for "December 31, 1977".

§ 2197. General provisions relating to insurance, guaranty, and reinsurance programs

[*See main edition for text of (a) to (e)*]

(f) Limitations on amounts

No insurance, reinsurance, or guaranty issued under this subpart shall exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings or profits actually accrued on said investment to the extent provided by such insurance, reinsurance, or guaranty, except that the Corporation may provide for appropriate adjustments in the insured dollar value to reflect the replacement cost of project assets. Notwithstanding the preceding sentence, the Corporation shall limit the amount of direct insurance and reinsurance issued by it under section 2194 of this title so that risk of loss as to at least 10 per centum of the total investment of the insured and its affiliates in the project is borne by the insured and such affiliates, except that such limitation shall not apply to direct insurance or reinsurance of loans by banks or other financial institutions to unrelated parties. The preceding sentence shall not apply to the extent not permitted by State law.

[*See main edition for text of (g) to (k)*]

(l) Convictions under Foreign Corrupt Practices Act of 1977; prohibition on payments for losses resulting from unlawful activities; suspension from eligibility of receipt of financial support

(1) No payment may be made under any insurance or reinsurance which is issued under this subpart on or after April 24, 1978, for any loss occurring with respect to a project, if the preponderant cause of such loss was an act by the investor seeking payment under this subpart, by a person possessing majority ownership and control of the investor at the time of the act, or by any agent of such investor or controlling person, and a court of the United States has entered a final judgment that such act constituted a violation under the Foreign Corrupt Practices Act of 1977.

(2) Not later than 120 days after April 24, 1978, the Corporation shall adopt regulations setting forth appropriate conditions under which any person convicted under the Foreign Corrupt Practices Act of 1977 for an offense related to a project insured or otherwise supported by the Corporation shall be suspended, for a period of not more than five years, from eligibility to receive any insurance, reinsurance, guaranty, loan, or other financial support authorized by this subpart.

(As amended Pub. L. 95-268, §§ 5, 6, Apr. 24, 1978, 92 Stat. 215.)

REFERENCES IN TEXT

The Foreign Corrupt Practices Act of 1977, referred to in subsec. (*l*), is Pub. L. 95-213, title I, Dec. 19, 1977, 91 Stat. 1494, as amended, which enacted sections 78dd-1 and 78dd-2 of Title 15, Commerce and Trade, and amended sections 78m and 78ff of Title 15. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 78a of Title 15 and Tables.

AMENDMENTS

1978—Subsec. (*f*). Pub. L. 95-268, § 5, added provisions excepting from dollar amounts adjustments in the insured dollar amounts to reflect replacement cost of project assets, and provisions excepting from limitations loans by banks or other financial institutions to unrelated parties.

Subsec. (*l*). Pub. L. 95-268, § 6, added subsec. (*l*).

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2195, 2199 of this title.

§ 2198. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2182 of this title.

§ 2199. General provisions and powers

[*See main edition for text of* (a)]

(b) Transfer of prior obligations, etc.; administration prior to transfer

The President shall transfer to the Corporation, at such time as he may determine, all obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in section 2194(a), (b), and (d) of this title. Until such transfer, the agency heretofore responsible for such predecessor programs shall continue to administer such assets and obligations, and such programs and activities authorized under this subpart as may be determined by the President.

[*See main edition for text of* (c)]

(d) Powers of Corporation

To carry out the purposes of this subpart, the Corporation is authorized to adopt and use a corporate seal, which shall be judicially noticed; to sue and be sued in its corporate name; to adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law; to acquire, hold or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein; to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it shall deem appropriate; to indemnify directors, officers, employees and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities; notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings; to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guaranty, and guarantee notes, participation certificates, and other evidence of indebtedness (provided that the Corporation shall not issue its own securities, except participation certificates for the purpose of carrying out section 2191(c) or participation certificates as evidence of indebtedness held by the Corporation in connection with settlement of claims under section 2197(i) of this title); to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business; to exercise any priority of the Government of the United States in collecting debts from bankrupt, insolvent, or decedents' estates; to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations; and to take such actions as may be necessary or appropriate to carry out the powers herein or hereafter specifically conferred upon it.

[*See main edition for text of* (e) *to* (h)]

(i) Preparation, maintenance and contents of development impact profile for investment projects; development of criteria for evaluating projects

In order to carry out the policy set forth in paragraph (1) of the second undesignated paragraph of section 2191 of this title, the Corporation shall prepare and maintain for each investment project it insures, finances, or reinsures, a development impact profile consisting of data appropriate to measure the projected and actual effects of such project on development. Criteria for evaluating projects shall be developed in consultation with the Director of the United States International Development Cooperation Agency.

(j) Limitations on financial support for new or expanded projects involving exploration for or mining or other extraction of copper

The Corporation shall not provide any insurance, reinsurance, guaranty, loan, or other financial support authorized by section 2194 of this title for any new or significantly expanded project involving the exploration for or the mining of or other extraction of copper if such

new or expanded production of copper is planned to begin before January 1, 1981, and the Corporation shall not support any such project which would begin production after such date if the project will cause injury to the primary United States copper industry.

(k) Prohibitions on financial support for establishment or expansion projects involving production or processing of palm oil, sugar, or citrus crops for export

The Corporation may not provide any insurance, reinsurance, guaranty, financing, or other financial support authorized by section 2194 of this title for any project to establish or expand production or processing of palm oil, sugar, or citrus crops for export.

(*l*) Observance of and respect for human rights and fundamental freedoms as considerations for conduct of assistance programs, etc.; provisions applicable for determinations; exceptions

The Corporation shall take into account in the conduct of its programs in a country, in consultation with the Secretary of State, all available information about observance of and respect for human rights and fundamental freedoms in such country and the effect the operation of such programs will have on human rights and fundamental freedoms in such country. The provisions of section 2151n of this title shall apply to any insurance, reinsurance, guaranty, or loan issued by the Corporation for projects in a country, except that in addition to the exception (with respect to benefiting needy people) set forth in subsection (a) of such section, the Corporation may support a project if the national security interest so requires.

(As amended Pub. L. 95-268, §§ 7, 8, Apr. 24, 1978, 92 Stat. 215, 216; Pub. L. 95-598, title III, § 318, Nov. 6, 1978, 92 Stat. 2678; 1979 Reorg. Plan No. 2, § 6(a)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-268, § 7(1), struck out provisions relating to the cessation on Dec. 31, 1979, of programs operated by the Corporation under sections 2194(b) to (e) and 2200 of this title and transfer by the President of such programs and all obligations, etc., arising out of such programs to other agencies of the United States.

Subsec. (d). Pub. L. 95-598 substituted "any priority" for "the priority".

Pub. L. 95-268, § 7(2), added provision relating to participation certificates as evidence of indebtedness held by Corporation for settlement of claims under section 2197(i) of this title.

Subsecs. (i) to (k). Pub. L. 95-268, § 7(3), added subsecs. (i) to (k).

Subsec. (*l*). Pub. L. 95-268, § 8, added subsec. (*l*).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

TRANSFER OF FUNCTIONS

"The Director of the United States International Development Cooperation Agency" was substituted for "the Agency for International Development" in subsec. (i), pursuant to Reorg. Plan No. 2 of 1979, § 6(a)(1), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, as provided by section 1-101 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title, which transferred all functions and authorities of the Agency for International Development under subsec. (i) of this section to the Director of the United States International Development Cooperation Agency.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under subsec. (g) of this section, as they relate to Presidential certification concerning the United Nations Relief and Works Agency, were delegated to the Secretary of State, to be exercised in consultation with the Director of the United States International Development Cooperation Agency by section 1-201(a)(1), (b) of Ex. Ord. No. 12163.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2200a of this title.

§ 2200. Small business development in less developed friendly countries or areas; encouragement by other Federal departments, etc., of broadened participation by United States small business cooperatives and investors; project funding

The Corporation shall undertake, in cooperation with appropriate departments, agencies, and instrumentalities of the United States as well as private entities and others, to broaden the participation of United States small business, cooperatives, and other small United States investors in the development of small private enterprise in less developed friendly countries or areas. The Corporation shall allocate up to 50 per cent of its annual net income, after making suitable provision for transfers and additions to reserves, to assist and facilitate the development of projects consistent with the provisions of this section. Such funds may be expended, notwithstanding the requirements of section 2191(a) of this title, on such terms and conditions as the Corporation may determine, through loans, grants, or other programs authorized by section 2194 of this title.

(Pub. L. 87-195, pt. I, § 240, as added Pub. L. 95-268, § 9, Apr. 24, 1978, 92 Stat. 216.)

PRIOR PROVISIONS

A prior section 2200, Pub. L. 87-195, pt. I, § 240, as added Pub. L. 91-175, pt. I, § 105, Dec. 30, 1969, 83 Stat. 817, and amended Pub. L. 92-226, pt. I, § 104(c), Feb. 7, 1972, 86 Stat.; Pub. L. 93-189, § 6(2), Dec. 17, 1973, 87 Stat. 717; Pub. L. 93-390, § 2(6), Aug. 27, 1974, 88 Stat. 768, which provided for agricultural credit and self-help community development projects in Latin America, was repealed by Pub. L. 93-559, § 8(b), Dec. 30, 1974, 88 Stat. 1797, and is covered by section 2182a of this title.

§ 2200a. Reports to the Congress

(a) After the end of each fiscal year, the Corporation shall submit to the Congress a complete and detailed report of its operations during such fiscal year. Such report shall include—

(1) an assessment, based upon the development impact profiles required by section 2199(i) of this title, of the economic and social development impact and benefits of the projects with respect to which such profiles are prepared, and of the extent to which the operations of the Corporation complement or are compatible with the development assistance programs of the United States and other donors; and

(2) a description of any project for which the Corporation—

(A) refused to provide any insurance, reinsurance, guaranty, financing, or other financial support, on account of violations of human rights referred to in section 2199(*l*) of this title; or

(B) notwithstanding such violations, provided such insurance, reinsurance, guaranty, financing, or financial support, on the basis of a determination (i) that the project will directly benefit the needy people in the country in which the project is located, or (ii) that the national security interest so requires.

(b) Not later than September 30, 1980, the Corporation shall submit to the Congress a report on the development of private and multilateral programs for investment insurance and any reinsurance arrangements the Corporation has made with private insurance companies, multilateral organizations and institutions, or other entities.

(As amended Pub. L. 95-268, § 10, Apr. 24, 1978, 92 Stat. 216.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-268 added cls. (1) and (2) setting forth required contents of report.

Subsec. (b). Pub. L. 95-268 substituted provisions relating to report to be submitted not later than Sept. 30, 1980 involving the development and any arrangements by the Corporation with private insurance companies, etc., for provisions relating to report submitted not later than Jan. 1, 1976 involving the possibilities of the Corporation transferring all of its activities to private insurance companies, etc.

SUBPART V—DISADVANTAGED CHILDREN IN ASIA

§ 2201. Assistance to disadvantaged children in Asia

(a) The Congress recognizes the humanitarian needs of disadvantaged children in Asian countries where there has been or continues to be a heavy presence of United States military and related personnel in recent years. Moreover, the Congress finds that inadequate provision has been made for the care and welfare of such disadvantaged children, particularly those fathered by the[1] United States citizens.

(b) Accordingly, the President is authorized to expend up to $2,000,000 of funds made available under part I of this subchapter, in addition to funds otherwise available for such purposes, to help meet the needs of these disadvantaged children in Asia by assisting in the expansion and improvement of orphanages, hostels, day care centers, school feeding programs, and health, education, and welfare programs. Assistance provided under this section shall be furnished under the auspices of and by international organizations or private voluntary agencies operating within, and in cooperation with, the countries of Asia where these disadvantaged children reside.

(Pub. L. 87-195, pt. I, § 241, as added Pub. L. 95-424, title I, § 116, Oct. 6, 1978, 92 Stat. 952.)

PRIOR PROVISIONS

A prior section 2201, Pub. L. 87-195, pt. I, § 241, Sept. 4, 1961, 75 Stat. 433; Pub. L. 88-205, pt. I, § 105, Dec. 16, 1963, 77 Stat. 382, providing for the general authority of the President respecting development research and the use of funds for research into problems of population growth, was repealed by Pub. L. 94-161, title III, § 306(1), Dec. 20, 1975, 89 Stat. 858.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SUBPART VI—ALLIANCE FOR PROGRESS

§§ 2211 to 2213. Repealed. Pub. L. 95-424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2211, Pub. L. 87-195, pt. I, § 251, as added Pub. L. 87-565, pt. I, § 106, Aug. 1, 1962, 76 Stat. 257, and amended Pub. L. 88-205, pt. I, § 106(a), Dec. 16, 1963, 77 Stat. 382; Pub. L. 89-583, pt. I, § 105(a), Sept. 19, 1966, 80 Stat. 799; Pub. L. 90-137, pt. I, § 106(a), Nov. 14, 1967, 81 Stat. 451, related to assistance in order to promote the economic development of countries and areas in Latin America.

Section 2212, Pub. L. 87-195, pt. I, § 252, as added Pub. L. 87-565, pt. I, § 106, Aug. 1, 1962, 76 Stat. 258, and amended Pub. L. 88-205, pt. I, § 106(b), Dec. 16, 1963, 77 Stat. 383; Pub. L. 88-633, pt. I, § 105, Oct. 7, 1964, 78 Stat. 1010; Pub. L. 89-171, pt. I, § 105, Sept. 6, 1965, 79 Stat. 655; Pub. L. 89-583, pt. I, § 105(b), Sept. 19, 1966, 80 Stat. 799; Pub. L. 90-137, pt. I, § 106(b), Nov. 14, 1967, 81 Stat. 451; Pub. L. 90-554, pt. I, § 105, Oct. 8, 1968, 82 Stat. 961; Pub. L. 91-175, pt. I, § 106, Dec. 30, 1969, 83 Stat. 818; Pub. L. 92-226, pt. I, § 105, Feb. 7, 1972, 86 Stat. 23; Pub. L. 93-189, § 7, Dec. 17, 1973, 87 Stat. 718, related to authorization of appropriations for the Alliance for Progress.

Section 2213, Pub. L. 87-195, pt. I, § 253, as added Pub. L. 87-565, pt. I, § 106, Aug. 1, 1962, 76 Stat. 258, and amended Pub. L. 88-205, pt. I, § 106(c), Dec. 16, 1963, 77 Stat. 383, related to the availability of receipts from loans for the Alliance for Progress.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

[1] So in original.

SUBPART VII—EVALUATION OF PROGRAMS

§ 2216. Repealed. Pub. L. 95–424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section, Pub. L. 87–195, pt. I, § 261, as added Pub. L. 88–205, pt. I, § 107, Dec. 16, 1963, 77 Stat. 383, related to the appointment of a committee to review and evaluate the economic development program for the less developed countries.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SUBPART VIII—SOUTHEAST ASIA MULTILATERAL AND REGIONAL PROGRAMS

§§ 2217, 2217a. Repealed. Pub. L. 95–424, title I, § 102(g)(1)(A), Oct. 6, 1978, 92 Stat. 942

Section 2217, Pub. L. 87–195, pt. I, § 271, as added Pub. L. 89–583, pt. I, § 106, Sept. 19, 1966, 80 Stat. 799, set forth the sense of Congress that acceleration of social and economic progress would be served by an expanded effort by the countries of southeast Asia and other interested countries in cooperative programs.

Section 2217a, Pub. L. 87–195, pt. I, § 272, as added Pub. L. 89–583, pt. I, § 106, Sept. 19, 1966, 80 Stat. 800, related to a number of criteria to be taken into account in providing assistance under the Southeast Asia Multilateral and Regional Programs.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SUBPART IX—UTILIZATION OF DEMOCRATIC INSTITUTIONS IN DEVELOPMENT

§ 2218. Utilization of democratic institutions in development

(a) Popular participation through encouragement of democratic institutions

In carrying out programs authorized in this part and part I of this subchapter, emphasis shall be placed on assuring maximum participation in the task of economic development on the part of the people of the developing countries, through the encouragement of democratic private and local governmental institutions.

(b) Human and intellectual resources; self-government through civic education and training in requisite skills

In order to carry out the purposes of this section programs under this part and part I of this subchapter shall—

[See main edition for text of (1) to (3)]

(c) Political, social and related obstacles to development; democratic social and political trends

In the allocation of funds for research under this part and part I of this subchapter, emphasis shall be given to research designed to examine the political, social, and related obstacles to development in countries receiving assistance under subchapter I of this chapter. In particular, emphasis should be given to research designed to increase understanding of the ways in which development assistance can support democratic social and political trends in recipient countries.

[See main edition for text of (d)]

(e) Inservice training programs

In order to carry out the purposes of this section, the agency primarily responsible for administering subchapter I of this chapter shall develop systematic programs of inservice training to familiarize its personnel with the objectives of this section and to increase their knowledge of the political and social aspects of development. In addition to other funds available for the funds authorized to be appropriated for grant assistance under this part and part I of this subchapter may be used for carrying out the objectives of this subsection.

(As amended Pub L. 95–424, title I, § 102(g)(2)(A), Oct. 6, 1978, 92 Stat. 942.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1978—Subsecs. (a), (b), (c), (e). Pub. L. 95–424 added "and part 1 of this subchapter" after "this part".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SUBPART X—PROGRAMS RELATING TO POPULATION GROWTH AND FAMILY PLANNING

§§ 2219, 2219a. Repealed. Pub. L. 95–424, title I, § 104(b), Oct. 6, 1978, 92 Stat. 947

Section 2219, Pub. L. 87–195, pt. I, § 291, as added Pub. L. 90–137, pt. I, § 109, Nov. 14, 1967, 81 Stat. 452, set forth a general statement of policy concerning population growth and family planning.

Section 2219a, Pub. L. 87–195, pt. I, § 292, as added Pub. L. 90–137, pt. I, § 109, Nov. 14, 1967, 81 Stat. 453, and amended Pub. L. 90–554, pt. I, § 107, Oct. 8, 1968, 82 Stat. 962; Pub. L. 91–175, pt. I, § 107, Dec. 30, 1969, 83 Stat. 818; Pub. L. 92–226, pt. I, § 106, Feb. 7, 1972, 86 Stat. 23; Pub. L. 93–189, § 8, Dec. 17, 1973, 87 Stat. 718; Pub. L. 93–559, § 4(2), Dec. 30, 1974, 88 Stat. 1795, related to the availability of funds on a loan or grant basis to carry out the purposes of this subpart.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SUBPART XI—FOOD PRODUCTION TARGETS AND REPORTS

§ 2220. Repealed. Pub. L. 95–424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959

Section, Pub. L. 87–195, pt. I, § 295, as added Pub. L. 90–137, pt. I, § 109, Nov. 14, 1967, 81 Stat. 453, related to reports and recommendations to Congress by the President for each country receiving assistance under

this chapter which the President finds has a substantial food deficit.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

INTERNATIONAL FOOD RESERVE

Pub. L. 95-426, title VI, § 604, Oct. 7, 1978, 92 Stat. 986, provided that:

"(a) The Congress finds that—

"(1) half a billion people suffer regularly from malnutrition or undernutrition;

"(2) even very modest shortfalls in crop production can result in greatly increased human suffering, and undercut the benefits of bilateral and multilateral assistance programs, in poor developing countries with chronic food deficits;

"(3) increasing variability in world food production and trade presents a serious threat not only to consumers but also to producers;

"(4) the World Food Conference recognized the urgent need for an international undertaking to achieve a system of world food security based largely upon strategic food reserves;

"(5) the Congress through legislation has repeatedly urged the President to negotiate with other nations to establish such a system of reserves;

"(6) although the nations of the world have agreed to begin discussions on a system of grain reserves to regulate food availability, agreement on a global network of nationally held reserves still eludes the international community;

"(7) while some progress has taken place in the United States in creating domestic farmer held reserves, the scale of such reserves does not insure adequate protection against fluctuations in world production and price; and

"(8) the United States, as the world's leading producer of foodstuffs, remains in a unique position to provide the leadership necessary to make world food security a reality.

"(b) It is therefore the sense of the Congress that the President should continue his efforts directed toward achievement of an agreement establishing an international network of nationally held grain reserves which provides for supply assurance to consumers and income security to producers."

Similar provisions were contained in the following prior authorization act:

Pub. L. 95-105, title V, § 510, Aug. 17, 1977, 91 Stat. 860.

SUBPART XII—FAMINE PREVENTION AND FREEDOM FROM HUNGER

§ 2220a. General provisions

[See main edition for text of (a) to (d)]

(e) Director

As used in this subpart, the term "Director" means the Director of the United States International Development Cooperation Agency.

(f), (g) Repealed. Pub. L. 95-424, title I, § 103(c), Oct. 6, 1978, 92 Stat. 945

(As amended Pub. L. 95-424, title I, § 103(c), Oct. 6, 1978, 92 Stat. 945; 1979 Reorg. Plan No. 2, § 6(a)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379.)

AMENDMENTS

1978—Subsecs. (f), (g). Pub. L. 95-424 struck out subsecs. (f), defining "agriculture", and (g), defining "farmers".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

TRANSFER OF FUNCTIONS

"Director" and "Director of the United States International Development Cooperation Agency" were substituted for "Administrator" and "Administrator of the Agency for International Development" in subsec. (e) pursuant to Reorg. Plan No. 2 of 1979, § 6(a)(1), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, as provided by section 1-101 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title, which transferred all functions and authorities of the Administrator of the Agency for International Development under subsec. (e) of this section to the Director of the United States International Development Cooperation Agency.

COMMISSION ON HUNGER AND MALNUTRITION

Pub. L. 95-426, title VII, § 711, Oct. 7, 1978, provided that: "There are authorized to be appropriated $1,500,000 for the fiscal year 1979 and $1,500,000 for the fiscal year 1980 for a commission on global hunger and malnutrition to be created by Executive order by the President. This commission shall (1) assess the policies, organization, and structure of current Federal programs which have an impact on hunger and malnutrition; (2) coordinate, sponsor, and oversee such projects, studies, events, and other activities as the commission deems necessary or desirable, making maximum use of past and ongoing related efforts; (3) conduct such studies, inquiries, meetings, and hearings as the commission deems necessary; and (4) make recommendations to the President and the Congress on policies to increase the capacity of the United States to reduce hunger and malnutrition. Funds authorized to be appropriated by this section shall be expended under the direction of the chairman of the commission."

§ 2220b. General authority

(a) Programs and activities affecting universities, agriculturally developing countries, and research

To carry out the purposes of this subpart, the President is authorized to provide assistance on such terms and conditions as he shall determine—

[See main edition for text of (1) and (2)]

(3) to provide program support for long-term collaborative university research, in the developing countries themselves to the maximum extent practicable, on food production, distribution, storage, marketing, and consumption;

[See main edition for text of (4) and (5); (b)]

(c) Activity objectives

To the maximum extent practicable, activities under this section shall—

(1) be directly related to the food and agricultural needs of developing countries;

(2) be carried out within the developing countries;

(3) be adapted to local circumstances;

(4) provide for the most effective interrelationship between research, education, and extension in promoting agricultural development in developing countries; and

(5) emphasize the improvement of local systems for delivering the best available knowledge to the small farmers of such countries.

(d) Function of Director

The President shall exercise his authority under this section through the Director.

(As amended Pub. L. 96-53, title I, § 113, Aug. 14, 1979, 93 Stat. 364; 1979 Reorg. Plan No. 2, § 6(a)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379.)

AMENDMENTS

1979—Subsec. (a)(3). Pub. L. 96-53, § 113(1), added provision relating to the scope of effort in developing countries.

Subsec. (c). Pub. L. 96-53, § 113(2), reworked activity objectives through revising terminology and structure and expanding such objectives to include requirement for a direct relationship between activities and the food and agricultural needs of developing countries.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

TRANSFER OF FUNCTIONS

"Director", meaning the Director of the United States International Development Cooperation Agency, was substituted for "Administrator", meaning Administrator of the Agency for International Development, in subsec. (d) pursuant to Reorg. Plan No. 2 of 1979, § 6(a)(1), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, as provided by section 1-101 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title, which transferred all functions and authorities of the Administrator of the Agency for International Development under subsec. (d) of this section to the Director of the United States International Development Cooperation Agency.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2220c. Board for International Food and Agricultural Development

[See main edition for text of (a) and (b)]

(c) Specific, but not exclusive, duties

The Board's duties shall include, but not necessarily be limited to—

[See main edition for text of (1) to (5)]

(6) recommending to the Director the apportionment of funds under section 2220b of this title; and

[See main edition for text of (7); (d) and (e)]

(As amended 1979 Reorg. Plan No. 2, § 6(a)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379.)

TRANSFER OF FUNCTIONS

"Director", meaning the Director of the United States International Development Cooperation Agency, was substituted for "Administrator", meaning Administrator of the Agency for International Development, in subsec. (c)(6), pursuant to Reorg. Plan No. 2 of 1979, § 6(a)(1), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, as provided by section 1-101 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title, which transferred all functions and authorities of the Administrator of the Agency for International Development under subsec. (c)(6) of this section to the Director of the United States International Development Cooperation Agency.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated and funds available under this chapter were to the Director of the United States International Development Cooperation Agency, with the exception of the functions under subsec. (a) of this section and certain other exceptions, by sections 1-102(a)(1), (g) and 1-701(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2220d. Funds for programs and activities

(a) Funds available under section 2151a of this title unaffected by other provisions

The President is authorized to use any of the funds hereafter made available under section 2151a of this title to carry out the purposes of this subpart. Funds made available for such purposes may be used without regard to the provisions of sections 2151h(b) and 2151t(d) of this title.

[See main edition for text of (b) to (c)]

(d) Disclosure of funds to Director; annual report

Universities may accept and expend funds from other sources, public and private, in order to carry out the purposes of this subpart. All such funds, both prospective and inhand, shall be periodically disclosed to the Director as he shall by regulation require, but no less often than in an annual report.

(As amended Pub. L. 95-424, title I, § 102(c)(2), Oct. 6, 1978, 92 Stat. 941; 1979 Reorg. Plan No. 2, § 6(a)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-424 substituted "sections 2151h(b) and 2151t(d) of this title" for "sections 2151h(b), 2171(a), and 2171(d) of this title".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

TRANSFER OF FUNCTIONS

"Director", meaning the Director of the United States International Development Cooperation Agency, was substituted for "Administrator", meaning Administrator of the Agency for International Development, in subsec. (d), pursuant to Reorg. Plan No. 2 of 1979, § 6(a)(1), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, as provided by section 1-101 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title, which transferred all functions and authorities of the Administrator of the Agency for International Development under subsec. (d) of this section to the Director of the United States International Development Cooperation Agency.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were

allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2220e. Presidential report to Congress

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

PART III—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

§ 2221. General authority

(a) Voluntary contributions; grants and loans in case of the Indus Basin Development Fund

When he determines it to be in national interest, the President is authorized to make voluntary contributions on a grant basis to international organizations and to programs administered by such organizations and in the case of the Indus Basin Development Fund administered by the International Bank for Reconstruction and Development to make grants and loans payable as to principal and interest in United Stated dollars and subject to the provisions of section 2151t(b) of this title, on such terms and conditions as he may determine, in order to further the purposes of subchapter I of this chapter.

[See main edition for text of (b) to (f)]

(g) Transfer of funding of technological assistance programs to United Nations Development Program

It is the sense of the Congress that the President should instruct the appropriate representatives of the United States to the United Nations to encourage the specialized agencies of the United Nations to transfer the funding of technical assistance programs carried out by such agencies to the United Nations Development Program.

(As amended Pub. L. 95-424, title I, §§ 102(b)(2)(A), 117(d), Oct. 6, 1978, 92 Stat. 941, 953.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-424 substituted "section 2151t(b) of this title" for "section 2161(d) of this title".

Subsec. (g). Pub. L. 95-424 added subsec. (g).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under subsecs. (a), (b), (c), (e)(1), and (e)(3) of this section, as they relate to Presidential certification concerning the United Nations Relief and Works Agency, were delegated to the Secretary of State by section 1-201(a)(1) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

Functions of the President under subsecs. (a), (e)(1), and (e)(3) of this section were delegated to the Director of the United States International Development Cooperation Agency to be exercised only insofar as they pertain to international developmental programs by section 1-102(d) of Ex. Ord. No. 12163.

Functions of the President under subsec. (e)(3) of this section, as they relate to organizations referred to in subsec. (e)(2) of this section were delegated to the Secretary of the Treasury by section 1-501(a)(1) of Ex. Ord. No. 12163.

§ 2222. Authorization of appropriations

(a) Grants

(1) There are authorized to be appropriated to the President for grants to carry out the purposes of this part, in addition to funds available under any other Acts for such purposes, $267,280,000 for the fiscal year 1980, of which not to exceed $52,000,000 shall be available for voluntary contributions to the United Nations Relief and Works Agency for Palestine Refugees, except that not more than $42,500,000 of this amount may be obligated unless the President certifies to the Congress that any contributions above this level have been matched by equivalent contributions by members of the Organization of Petroleum Exporting Countries.

[See main edition for text of (2)]

(3) None of the funds made available under this subsection for the fiscal year 1979 may be used for the United Nations Institute for Namibia unless the President determines that such funds will not be used to support the military or paramilitary activities of the Southwest African Peoples Organization.

[See main edition for text of (b) and (c)]

(d) to (h) Repealed. Pub. L. 95-424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

[See main edition for text of (i)]

(As amended Pub. L. 95-88, title I, § 118(a), Aug. 3, 1977, 91 Stat. 540; Pub. L. 95-424, title I, § 117(a), (b)(1), (c), title VI, § 604, Oct. 6, 1978, 92 Stat. 952, 953, 961; Pub. L. 96-53, title I, § 114(a), Aug. 14, 1979, 93 Stat. 364.)

AMENDMENTS

1979—Subsec. (a)(1). Pub. L. 96-53 substituted provisions authorizing appropriations of $267,280,000 for fiscal year 1980, for provisions authorizing appropriations of $285,450,000 for fiscal year 1979 and provisions respecting availability of funds for United Nations Trust Fund on South Africa, and the Namibia Institute, and availability of appropriations for fiscal year 1978.

1978—Subsec. (a)(1). Pub. L. 95-424, § 117(a), (b)(1), substituted "$285,450,000 for the fiscal year 1979 of which not to exceed $300,000 shall be available for contributions to the United Nations Trust Fund on South Africa" for "for the fiscal year 1977, $219,900,000 and for the fiscal year 1978, $252,000,000"; substituted "fiscal year 1978, not to

exceed $52,000,000" for "fiscal year 1978, not to exceed $42,500,000", and added provision relating to voluntary contributions to the United Nations Relief and Works Agency for Palestine Refugees.

Subsec. (a)(3). Pub. L. 95–424, § 117(c), added par. (3).

Subsec. (d). Pub. L. 95–424, § 604, struck out subsec. (d), which related to contributions to the United Nations Children's Fund for fiscal years 1976 and 1977.

Subsec. (e). Pub. L. 95–424, § 604, struck out subsec. (e), which related to added contributions for expansion of technical and vocational training of Arab refugees.

Subsec. (f). Pub. L. 95–424, § 604, struck out subsec. (f), which related to appropriation of Egyptian pounds for technical and vocational training and other assistance to Arab refugees.

Subsec. (g). Pub. L. 95–424, § 604, struck out subsec. (g), which related to availability of funds for the International Atomic Energy Agency.

Subsec. (h). Pub. L. 95–424, § 604, struck out subsec. (h), which related to prohibition of expenditures for the United Nations Educational, Scientific, and Cultural Organization.

1977—Subsec. (a)(1). Pub. L. 95–88 struck out provisions which had authorized appropriations of $127,822,000 for fiscal year 1974, $165,000,000 for fiscal year 1975, and $194,500,000 for fiscal year 1976, added provisions authorizing an appropriation of $252,000,000 for fiscal year 1978, and added requirement that, of the funds authorized to be appropriated under subsec. (a) for fiscal year 1978, not to exceed $42,500,000 be available for voluntary contributions to the United Nations Relief and Works Agency for Palestine Refugees.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (a)(1) of this section, as they relate to Presidential certification concerning the United Nations Relief and Works Agency, and subsec. (a)(3) of this section were delegated to the Secretary of State by section 1-201(a)(1) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

REPORT TO CONGRESS ON PALESTINE REFUGEE RATION DISTRIBUTION SYSTEM

Section 117(b)(2) of Pub. L. 95–424 which provided that, not later than Jan. 31, 1979, the Secretary of State provide the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives with a full and detailed report on the progress made by the Commissioner-General of the United Nations Relief and Works Agency to improve the ration distribution system so that food to Palestine refugees can be more equitably distributed on the basis of need, rather than entitlement, was omitted from the Code as executed.

AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTIONS TO THE WORLD ASSEMBLY ON AGING

Section 117(e) of Pub. L. 95–424 provided that: "In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President not to exceed $1,000,000 for contributions to the World Assembly on Aging to be convened under the auspices of the United Nations, except that the amount so contributed may not exceed 25 percent of the expenditures of such Assembly. Amounts appropriated under this subsection [this note] are authorized to remain available until expended."

§ 2223. Indus Basin development

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

§ 2224. Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. I, § 304, as added Pub. L. 90–137, pt. I, § 110(c), Nov. 14, 1967, 81 Stat. 454, related to exploration by the President of means and prospects of establishing improved peacekeeping arrangements for standby forces maintained by the United Nations.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2225. Integration of women

The President is requested to instruct each representative of the United States to each international organization of which the United States is a member (including but not limited to the International Bank for Reconstruction and Development, the Asian Development Bank, the Inter-American Development Bank, the International Monetary Fund, the United Nations, and the Organization for Economic Cooperation and Development) to carry out their duties with respect to such organizations in such a manner as to encourage and promote the integration of women into the national economies of member and recipient countries and into professional and policy-making positions within such organizations, thereby improving the status of women. The President is further requested, in making United States contributions to such organizations, to take into account the progress, or lack of progress, of such organizations in adopting and implementing policies and practices which encourage and promote the integration of women into the national economies of member and recipient countries, and into professional and policymaking positions within such organizations, in accordance with the World Plan of Action of the Decade for Women.

(As amended Pub. L. 95–88, title I, § 118(b), Aug. 3, 1977, 91 Stat. 540.)

AMENDMENTS

1977—Pub. L. 95–88 added request that the President, in making United States contributions, take into account the progress, or lack of progress, of organizations in adopting and implementing policies and practices which encourage and promote the integration of women into the national economies of member and recipient countries, and into professional and policy-making positions within such organizations, in accordance with the World Plan of Action of the Decade for Women.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency to be exercised only insofar as they pertain to international developmental programs by section 1-102(d) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

Functions of the President under this section were delegated to the Secretary of State by section 1-201(a)(1) of Ex. Ord. No. 12163.

Functions of the President under this section, insofar as it relates to certain financial institutions, were delegated to the Secretary of the Treasury to be exercised in consultation with the Director of the United States International Development Cooperation Agency by section 1-501(a)(2) and (c) of Ex. Ord. No. 12163.

PART V—CONTINGENCIES

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 2394-1 of this title.

§ 2261. Authorization of appropriations

(a) Emergency assistance; reports to Speaker of House and Committees of Senate

(1) Notwithstanding any other provision of law, the President is authorized to use not to exceed $10,000,000 of funds made available in any fiscal year to carry out any provision of this chapter (other than the provisions of part I of this subchapter) in order to provide, for any emergency purposes, assistance authorized by subchapter I of this chapter in accordance with the provisions applicable to the furnishing of such assistance.

(2) The President shall report promptly to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate each time he exercises the authority contained in this subsection.

[*See main edition for text of* (b) *and* (c)]

(As amended Pub. L. 95-92, § 2, Aug. 4, 1977, 91 Stat. 614; Pub. L. 95-384, § 2, Sept. 26, 1978, 92 Stat. 730; Pub. L. 96-92, § 2(b)(2), Oct. 29, 1979, 93 Stat. 701.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (a)(1). Pub. L. 96-92 designated existing provisions as par. (1), substituted authorization of $10,000,000 when made available in any fiscal year for emergency purposes for appropriation authorization of $5,000,000 for emergency purposes fiscal year 1979, and deleted provision making appropriated amounts available until expended.

Subsec. (a)(2). Pub. L. 96-92 added par. (2).

1978—Subsec. (a). Pub. L. 95-384 substituted "fiscal year 1979 not to exceed $5,000,000" for "fiscal year 1978 not to exceed $5,000,000".

1977—Subsec. (a). Pub. L. 95-92 substituted provisions authorizing appropriations of not to exceed $5,000,000 for fiscal year 1978, for provisions authorizing appropriations of not to exceed $5,000,000 for fiscal years 1976 and 1977.

PART VI—ASSISTANCE TO COUNTRIES HAVING AGRARIAN ECONOMIES

§ 2271. Repealed. Pub. L. 95-424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87-195, pt. I, § 461, Sept. 4, 1961, 75 Stat. 434; Pub. L. 87-565, pt. I, § 110, Aug. 1, 1962, 76 Stat. 259; Pub. L. 90-137, pt. I, § 113, Nov. 14, 1967, 81 Stat. 455, related to emphasis on programs in agrarian countries which reach people who are engaged in agrarian pursuits.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

PART VII—JOINT COMMISSIONS ON RURAL DEVELOPMENT

§ 2281. Repealed. Pub. L. 95-424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87-195, pt. I, § 471, as added Pub. L. 89-583, pt. I, § 110, Sept. 19, 1966, 80 Stat. 802, related to agreements with less developed countries for establishment of Joint Commissions on Rural Development.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

PART VIII—INTERNATIONAL NARCOTICS CONTROL

§ 2291. International narcotics control

[*See main edition for text of* (a) *and* (b)]

(c) Ban on participation in foreign police arrest action; Presidential study

(1) Notwithstanding any other provision of law, no officer or employee of the United States may engage or participate in any direct police arrest action in any foreign country with respect to narcotics control efforts. No such officer or employee may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to narcotics control efforts without the written consent of such person. The provisions of this paragraph shall not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces arrangements.

[*See main edition for text of* (2)]

(d) Use of herbicides to eradicate marihuana

(1) Assistance authorized by this part may not be made available for the purpose of the spraying of a herbicide to eradicate marihuana plants if the use of that herbicide is likely to cause serious harm to the health of persons

who may use or consume the sprayed marihuana. This prohibition shall not apply if the herbicide is used in conjunction with another substance that will clearly and readily warn potential users and consumers of the sprayed marihuana that a herbicide has been used on it.

(2) The Secretary of State shall inform the Secretary of Health, Education, and Welfare of the use or intended use by any country or international organization of any herbicide to eradicate marihuana in a program receiving assistance under this part. The Secretary of Health, Education, and Welfare, on the basis of scientific information and testing and after receiving comments from the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall promptly advise the Secretary of State if the use of that herbicide is likely to cause serious harm to the health of persons who may use or consume marihuana sprayed with that herbicide. If the Secretary of State is so advised with respect to any herbicide, the prohibition contained in paragraph (1) shall apply with respect to the use of that herbicide.

(3) The Secretary of State shall submit a comprehensive report to the Congress not later than January 1 of each year explicitly detailing all efforts he has taken to ensure compliance with the requirements of this subsection and to prevent the spraying of marihuana with herbicides that are likely to cause serious harm to human health.

(As amended Pub. L. 95-384, §§ 3, 4, Sept. 26, 1978, 92 Stat. 730; Pub. L. 96-92, § 3(b), Oct. 29, 1979, 93 Stat. 702.)

AMENDMENTS

1979—Subsec. (d)(1). Pub. L. 96-92 substituted "for the purpose of" for "or used for any program involving".

1978—Subsec. (c)(1). Pub. L. 95-384, § 3, added provisions prohibiting any agent or employee of the United States Government from interrogating, or from being present at the interrogation of, any United States person arrested in any foreign country in the absence of the written consent of the person arrested and provisions relating to the applicability of this paragraph to the activities of the United States Armed Forces.

Subsec. (d). Pub. L. 95-384, § 4, added subsec. (d).

CHANGE OF NAME

The Secretary of Health, Education, and Welfare was redesignated the Secretary of Health and Human Services by section 3508 of Title 20, Education.

DELEGATION OF FUNCTIONS

Functions of the President under this section, except those with respect to determinations, certifications, directives, or transfers of funds under subsec. (a) of this section, were delegated to the Secretary of State by sections 1-201(a)(1) and 1-701(d) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

UNITED STATES CITIZENS IMPRISONED IN MEXICO

Section 408 of Pub. L. 94-329, title IV, June 30, 1976, 90 Stat. 759, as amended by Pub. L. 95-384, § 29(b), Sept. 26, 1978, 92 Stat. 747, provided that:

[*See main edition for text of* (a)]

"(b) The Congress requests that the President communicate directly to the President and Government of the Republic of Mexico, a nation with which we have friendly and cooperative relations, the continuing desire of the United States for such relations between our two countries and the concern of the United States over treatment of United States citizens arrested in Mexico."

§ 2291a. Authorization of appropriations; availability of funds

(a)(1) To carry out the purposes of section 2291 of this title, there are authorized to be appropriated to the President $51,758,000 for the fiscal year 1980.

(2) Of the amount authorized to be appropriated for the fiscal year 1980 by paragraph (1), $16,000,000 shall be available only for the Republic of Colombia for the interdiction of drug traffic. Such funds may be used only (A) for helicopters, patrol vessels, fixed radar equipment, transport vehicles, and fuel, which will be used exclusively for interdicting drug traffic, and (B) for training personnel with respect to the interdiction of drug traffic.

(3) Funds appropriated under this subsection for the fiscal year 1980 may not be used for a contribution to the United Nations Fund for Drug Abuse Control in an amount which exceeds the lesser of $3,000,000 or 25 percent of the total contributions by all countries to such Fund for the calendar year with respect to which the United States contribution is made.

(4) Amounts appropriated under this subsection are authorized to remain available until expended.

(b) Funds authorized to be appropriated by this section shall not be made available for the procurement of weapons or ammunition under this part.

(As amended Pub. L. 95-92, § 3, Aug. 4, 1977, 91 Stat. 614; Pub. L. 95-384, § 5, Sept. 26, 1978, 92 Stat. 731; Pub. L. 96-92, § 3(a), Oct. 29, 1979, 93 Stat. 701.)

AMENDMENTS

1979—Subsec. (a)(1). Pub. L. 96-92 designated existing provisions as par. (1), substituted appropriations authorization of $51,758,000 for fiscal year 1980 for authorization of $40,000,000 for fiscal year 1979, and designated provision respecting availability of funds as par. (4).

Subsec. (a)(2), (3). Pub. L. 96-92 added pars. (2) and (3).

Subsec. (a)(4). Pub. L. 96-92 designated existing provision respecting availability of funds as par. (4) and substituted "subsection" for "section".

1978—Pub. L. 95-384 designated existing provisions as subsec. (a) and, in subsec. (a) as so designated, substituted "$40,000,000 for the fiscal year 1979" for "$39,000,000 for the fiscal year 1978" and added subsec. (b).

1977—Pub. L. 95-92 substituted provisions authorizing appropriations for fiscal year 1978 and providing for availability of amounts appropriated until expended, for provisions authorizing appropriations for fiscal years 1974 through 1977, provisions prohibiting obligation of appropriation for fiscal year 1976 for any country illegally trafficking in opiates unless such appropriation aids in reducing the amount of illegal opiates entering the international market, and provisions authorizing availability of amounts appropriated until expended.

ALLOCATION OF FUNDS

Funds available to the President for carrying out section 2291 of this title were allocated to the Secre-

tary of State by section 1-801(c) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

PART IX—INTERNATIONAL DISASTER ASSISTANCE

§ 2292. General provisions

[*See main edition for text of* (a)]

(b) General authority

Subject to the limitation on appropriations in section 2292a of this title, and notwithstanding any other provision of this chapter or any other Act, the President is authorized to furnish assistance to any foreign country, international organization, or private voluntary organization, on such terms and conditions as he may determine, for international disaster relief and rehabilitation, including assistance relating to disaster preparedness, and to the prediction of, and contingency planning for, natural disasters abroad.

[*See main edition for text of* (c)]

(As amended Pub. L. 95-424, title I, § 118(a), Oct. 6, 1978, 92 Stat. 953.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-424 substituted ", international organization, or private voluntary organization" for "or international organization".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (b) and (c) of this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(b), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2292a, 2292f, 2292g, 2292h, 2292i, 2292j, 2292l, 2292m, 2292n of this title.

§ 2292a. Authorization of appropriations; Presidential reports to Committee on Foreign Relations of the Senate and Speaker of the House

There is authorized to be appropriated to the President to carry out section 2292 of this title, $21,800,000 for the fiscal year 1980. Amounts appropriated under this section are authorized to remain available until expended.

(As amended Pub. L. 95-88, title I, § 119, Aug. 3, 1977, 91 Stat. 541; Pub. L. 95-424, title I, § 118(b), Oct. 6, 1978, 92 Stat. 953; Pub. L. 96-53, title I, § 115, Aug. 14, 1979, 93 Stat. 365.)

AMENDMENTS

1979—Pub. L. 96-53 substituted "$21,800,000" for "$25,000,000" and "1980" for "1979".

1978—Pub. L. 95-424 substituted "the fiscal year 1979" for "each of the fiscal years 1977 and 1978" and struck out provision requiring the President to submit quarterly reports to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives on the programming and obligation of funds.

1977—Pub. L. 95-88 substituted "fiscal years 1977 and 1978" for "fiscal years 1976 and 1977".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

ALLOCATION OF FUNDS

Funds available to the President for carrying out this chapter, with specified exceptions, were allocated to the Director of the United States International Development Cooperation Agency by section 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2292, 2292k of this title.

§ 2292b. Disaster assistance coordination through a Special Coordinator for International Disaster Assistance; Presidential appointment and duties

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2292c. Authorization of appropriations for disaster relief and emergency recovery needs in Pakistan and Nicaragua

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2292d. Repealed. Pub. L. 95-424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87-195, pt. I, § 494A, formerly pt. III, § 639A, as added Pub. L. 93-189, § 20, Dec. 17, 1973, 87 Stat. 725, amended Pub. L. 93-333, § 3(2)-(5), July 8, 1974, 88 Stat. 290, and renumbered Pub. L. 94-161, title I, § 101(5), Dec. 20, 1975, 89 Stat. 850, related to famine and disaster relief to drought-stricken African nations.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

ASSISTANCE IN CONTROLLING LOCUST PLAGUES IN AFRICA; AUTHORIZATION OF APPROPRIATIONS

Pub. L. 95-424, title I, § 120, Oct. 6, 1978, 92 Stat. 954, provided that: "In order to assist in attempts to con-

trol locust plagues in Africa, especially in the Horn of Africa, there is authorized to be appropriated to the President, in addition to amounts otherwise authorized for disaster relief purposes, $2,000,000, which amount is authorized to remain available until expended."

§ 2292e. Transferred

CODIFICATION

Section, Pub. L. 87-195, pt. I, § 120, formerly pt. III, § 639B, as added Pub. L. 93-189, § 20, Dec. 17, 1973, 87 Stat. 725, renumbered pt. I, § 494B, and amended Pub. L. 94-161, title I, § 101(5), (7), Dec. 20, 1975, 89 Stat. 850, and renumbered pt. I, § 120, and amended Pub. L. 95-88, title I, § 115(1), (2), Aug. 3, 1977, 91 Stat. 539, which related to the Sahel development program and had been classified to section 2399-1b of this title, has been transferred to section 2151r of this title.

§ 2292f. Cyprus relief and rehabilitation; terms and conditions; authorization of appropriations; section 2292 policy and general authority applicable

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2292g. Repealed. Pub. L. 95-424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87-195, pt. I, § 495A, as added Pub. L. 94-276, § 2, Apr. 21, 1976, 90 Stat. 397, related to relief and rehabilitation for people victimized by recent earthquakes in Guatemala.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2292h. Italy: relief, rehabilitation and reconstruction assistance

[See main edition for text of (a)]

(b) There are authorized to be appropriated to the President $30,000,000 for the fiscal year 1978 for relief, rehabilitation, and reconstruction assistance, in accordance with the provisions of section 2292 of this title and on such terms and conditions as he may determine, for the people who have been victimized by the recent earthquakes in Italy. Amounts appropriated under this subsection are authorized to remain available until expended.

(c) Obligations incurred prior to June 30, 1976, against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Italy may be charged to the appropriations authorized under this section.

(As amended Pub. L. 95-88, title I, § 120, Aug. 3, 1977, 91 Stat. 541.)

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-88, § 120(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 95-88, § 120(1), redesignated subsec. (b) as (c).

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2292i. Lebanon; relief and rehabilitation

[See main edition for text of (a) to (d)]

(e) Repealed. Pub. L. 95-424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959

(As amended Pub. L. 95-424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959.)

AMENDMENTS

1978—Subsec. (e). Pub. L. 95-424 struck out subsec. (e), relating to reports to Congress by the President regarding the programing and obligation of funds under this section.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2292j. Romanian relief and rehabilitation

(a) Authorization of assistance

The Congress, recognizing that prompt United States assistance is necessary to alleviate the human suffering arising from recent earthquakes in Romania, authorizes the President to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other earthquake victims in Romania.

(b) Authorization of appropriations

There are hereby authorized to be appropriated to the President for the fiscal year 1977, notwithstanding any other provisions of this chapter, in addition to amounts otherwise available for such purposes, not to exceed $20,000,000, which amount is authorized to remain available until expended.

(c) Policies and general authority

Assistance under this section shall be provided in accordance with the policies and general authority contained in section 2292 of this title.

(d) Obligations charged against appropriations

Obligations incurred prior to April 18, 1977, against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Romania may be charged to the appropriations authorized under this section.

(e) Reports to Congress

Not later than sixty days after the date of enactment of appropriations to carry out this section, and on a quarterly basis thereafter, the President shall transmit reports to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives regarding the programing and obligation of funds under this section.

(f) Human rights

Nothing in this section shall be interpreted as endorsing any measure undertaken by the Government of Romania which would suppress human rights as defined in the Conference on Security and Co-operation in Europe (Helsinki) Final Act and the United Nations Declaration on Human Rights, or as constituting a precedent for or commitment to provide United States development assistance to Romania, and the Romanian Government shall be so notified when aid is furnished under this section.

(Pub. L. 87-195, pt. I, § 495D, as added Pub. L. 95-21, Apr. 18, 1977, 91 Stat. 48.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2292k. Turkey relief, rehabilitation, and reconstruction

The President is requested to use up to $10,000,000 of the funds made available under section 2292a of this title to provide relief, rehabilitation, and reconstruction assistance to the victims of the recent earthquakes in Turkey.

(Pub. L. 87-195, pt. I, § 495E, formerly § 495D, as added Pub. L. 95-88, title I, § 121, Aug. 3, 1977, 91 Stat. 541, and renumbered Pub. L. 95-424, title I, § 119(1), Oct. 6, 1978, 92 Stat. 953.)

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2292l. Assistance to African refugees; authorization of appropriations

The President is authorized to furnish assistance, on such terms and conditions as he may determine, exclusively for the relief and rehabilitation of African refugees and other needy people located in Africa. There is authorized to be appropriated for the fiscal year 1980 for purposes of this section, in addition to amounts otherwise available for such purposes, $14,920,000, which amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 2292 of this title.

(Pub. L. 87-195, pt. I, § 495F, as added Pub. L. 95-424, title I, § 119(2), Oct. 6, 1978, 92 Stat. 953, and amended Pub. L. 96-53, title I, § 116, Aug. 14, 1979, 93 Stat. 365.)

AMENDMENTS

1979—Pub. L. 96-53 substituted "1980" for "1979" and "$14,920,000" for "$15,000,000".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President relating to policy decisions pertaining to refugee programs were delegated to the Secretary of State by section 1-201(a)(2) of Ex. Ord. No. 12163.

§ 2292m. Special Caribbean hurricane relief assistance

The President is authorized to furnish assistance, on such terms and conditions as he may determine, for disaster relief and reconstruction in the Caribbean to assist in alleviating the human suffering caused by recent hurricanes in that region. In addition to amounts otherwise available for such purposes, there is authorized to be appropriated for purposes of this section $25,000,000 for the fiscal year 1980, which amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 2292 of this title.

(Pub. L. 87-195, pt. I, § 495G, as added Pub. L. 96-109, § 1, Nov. 9, 1979, 93 Stat. 842.)

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States Interna-

tional Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2292n. Cambodian disaster relief assistance

(a) Congressional recognition and statement of purpose; authority of President; scope of assistance

The Congress recognizes that prompt United States assistance is necessary to alleviate the human suffering arising from famine and disease in Cambodia. Accordingly, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for disaster relief to alleviate the suffering of the victims of famine and disease in Cambodia. Assistance provided under this section shall be for humanitarian purposes and limited to the civilian population, with emphasis on providing food, medicine and medical care, clothing, temporary shelter, transportation for emergency supplies and personnel, and similar assistance to save human lives.

(b) Assistance through International agencies and private voluntary organizations

Assistance provided under this section or any other provision of law to alleviate the human suffering caused by famine and disease in Cambodia shall be provided, to the maximum extent practicable, through international agencies and private voluntary organizations such as (among others) the World Relief Committee, World Medical Missions, Inc., Cama Services, World Vision, Food for the Hungry, Thailand Baptist Mission, Catholic Relief Services, Oxfam, and the International Rescue Committee.

(c) Assistance procedures; monitoring of deliveries; report to Congress

(1) In providing assistance under this section, the President shall satisfy himself that adequate procedures have been established to ensure that such assistance reaches the innocent victims of famine and disease for whom it is intended. Such procedures shall include end use monitoring of deliveries on a periodic basis by individuals having freedom of movement where the assistance is being distributed within Cambodia.

(2) Not later than 90 days after November 13, 1979, the President shall report to the Congress on compliance with this subsection.

(d) Authorization of appropriations; charges for obligations incurred under other appropriations or accounts; authority for transfer of funds; agricultural commodity assistance priorities

(1) In addition to amounts otherwise available for such purposes, there is authorized to be appropriated for purposes of this section $30,000,000 for the fiscal year 1980, which amount is authorized to remain available until expended.

(2) Obligations incurred, prior to the enactment of appropriations to carry out this section, against other appropriations or accounts for the purpose of alleviating the human suffering caused by famine and disease in Cambodia may be charged to the appropriations authorized by paragraph (1) of this subsection.

(3) The President may exercise the authority of section 2360(a) of this title (without regard to the 20 percent limitation contained in that section on increases in accounts) in order to transfer, for use in carrying out this section, up to $30,000,000 of the funds made available for the fiscal year 1980 to carry out other provisions of this chapter.

(4) Priority shall be given in allocating assistance under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.] to furnishing agricultural commodities for use in carrying out this section.

(e) Section 2292 policies and general authorities applicable

Assistance under this section shall be provided in accordance with the policies and utilizing the general authorities provided in section 2292 of this title.

(Pub. L. 87-195, pt. I, § 495H, as added Pub. L. 96-110, § 2, Nov. 13, 1979, 93 Stat. 843.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(3), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsec. (d)(4), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified principally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7, and Tables.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

PART X—ASSISTANCE TO PORTUGAL AND PORTUGUESE COLONIES IN AFRICA GAINING INDEPENDENCE

§ 2293. Assistance to Portugal and Portuguese colonies in Africa gaining independence

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2294. Balance of payments loan for Portugal

(a) Statement of purpose

In recognition of the established interest of the United States in fostering a democratic government in Portugal, in maintaining the strength of the North Atlantic Treaty Organization alliance, and in supporting European economic recovery, the purpose of this section is to provide essential balance of payments assistance to Portugal.

(b) Authority of President

The President is authorized to make balance of payments support loans to Portugal as part of a special international effort to assist that country in the development and implementation of a program to gain financial stability and economic recovery.

(c) Authorization of appropriations; availability

There are authorized to be appropriated to the President not to exceed $300,000,000 for the fiscal year 1978 to carry out the purposes of this section, which amount is authorized to remain available until expended.

(Pub. L. 87-195, pt. I, § 497, as added Pub. L. 95-92, § 4, Aug. 4, 1977, 91 Stat. 614.)

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SUBCHAPTER II—MILITARY ASSISTANCE AND SALES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2223, 2301, 2318, 2321d, 2344, 2348c, 2352, 2384, 2385, 2392, 2393, 2395, 2396, of this title.

PART I—DECLARATION OF POLICY

§ 2301. Congressional statement of policy

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter II of this chapter shall be deemed to exclude part VI of subchapter II, sections 2348 to 2348c, and reference in any law to subchapter I of this chapter shall be deemed to include such part. See section 2348c of this title.

§ 2304. Human rights and security assistance

(a) Observance of human rights as principal goal of foreign policy; implementation requirements

(1) The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.

(2) Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights. Security assistance may not be provided to the police, domestic intelligence, or similar law enforcement forces of a country, and licenses may not be issued under the Export Administration Act of 1969 for the export of crime control and detection instruments and equipment to a country, the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that extraordinary circumstances exist warranting provision of such assistance and issuance of such licenses. Assistance may not be provided under part V of this subchapter to a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that extraordinary circumstances exist warranting provision of such assistance.

(3) In furtherance of paragraphs (1) and (2), the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

(b) Report by Secretary of State on practices of proposed recipient countries; considerations

The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. In determining whether a government falls within the provisions of subsection (a)(3) of this section and in the preparation of any report or statement required under this section, consideration shall be given to—

[*See main edition for text of (1) and (2)*]

(c) Congressional request for information; information required; 30 day period; failure to supply information; termination or restriction of assistance

(1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the

Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Secretary of State shall, within thirty days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs, with respect to the country designated in such request, setting forth—

[*See main edition for text of (A) to (D), (2) to (4)*]

(d) Definitions

For the purposes of this section—

[*See main edition for text of (1)*]

(2) the term "security assistance" means—

(A) assistance under part II (military assistance) or part IV (economic support fund) or part V (military education and training) or part VI (peacekeeping operations) of this subchapter.

[*See main edition for text of (B) and (C)*]

(e) Removal of prohibition on assistance

Notwithstanding any other provision of law, funds authorized to be appropriated under subchapter I of this chapter may be made available for the furnishing of assistance to any country with respect to which the President finds that such a significant improvement in its human rights record has occurred as to warrant lifting the prohibition on furnishing such assistance in the national interest of the United States.

(f) Allocations concerned with performance record of recipient countries without contravention of other provisions

In allocating the funds authorized to be appropriated by this chapter and the Arms Export Control Act [22 U.S.C. 2751 et seq.], the President shall take into account significant improvements in the human rights records of recipient countries, except that such allocations may not contravene any other provision of law.

(As amended Pub. L. 95-105, title I, § 109(a)(3), Aug. 17, 1977, 91 Stat. 846; Pub. L. 95-384, §§ 6(a)-(d)(1), (e), 10(b)(1), 12(b), Sept. 26, 1978, 92 Stat. 731, 732, 735, 737; H. Res. 89, Feb. 5, 1979; Pub. L. 96-53, title V, § 511, Aug. 14, 1979, 93 Stat. 380; Pub. L. 96-92, § 4, Oct. 29, 1979, 93 Stat. 702.)

REFERENCES IN TEXT

The Export Administration Act of 1969, referred to in subsec. (a)(2), is Pub. L. 91-184, Dec. 30, 1969, 83 Stat. 841, as amended, which was formerly classified to sections 2401 to 2413 of Title 50, App., War and National Defense, and was terminated on Sept 30, 1979, pursuant to the terms of that Act.

The Arms Export Control Act, referred to in subsecs. (d)(2)(B) and (f), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

This chapter, referred to in subsec. (f), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (e). Pub. L. 96-53 added subsec. (e).

Subsec. (f). Pub. L. 96-92 added subsec. (f).

1978—Subsec. (a)(1). Pub. L. 95-384, § 6(a), substituted "The United States shall" for "It is the policy of the United States", "throughout the world" for "for all", and "Accordingly" for "To this end".

Subsec. (a)(2). Pub. L. 95-384, § 6(b), (d)(1), (e), substituted "Except" for "It is further the policy of the United States that, except" and added provisions prohibiting security assistance, including crime control and detection instruments, from being provided to police, domestic intelligence, or other police forces of governments which the executive branch determines are guilty of a consistant pattern of gross violations of internationally recognized human rights and prohibiting assistance under part V of this subchapter to a country the government of which, as determined by the executive branch, is engaged in a consistant pattern of gross violations of internationally recognized human rights.

Subsec. (a)(3). Pub. L. 95-384, § 6(c), substituted "paragraphs (1) and (2)," for "the foregoing policy".

Subsec. (d)(2)(A). Pub. L. 95-384, §§ 10(b)(1), 12(b), substituted "(economic support fund)" for "(security supporting assistance)", inserted "or part VI (peacekeeping operations)" following "and training)", and struck out "or subchapter V (assistance to the Middle East) of this chapter" following "of this subchapter".

1977—Subsec. (b). Pub. L. 95-105, § 109(a)(3)(A), substituted "Assistant Secretary of State" for "Coordinator".

Subsec. (c)(1). Pub. L. 95-105, § 109(a)(3)(B), substituted "Assistant Secretary of State" for "Coordinator".

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Secretary of State by section

1-201(a)(1) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2384 of this title; title 50 App. section 2405.

PART II—MILITARY ASSISTANCE

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2304, 2360, 2372, 2417, 2428b of this title.

§ 2311. General authority

DELEGATION OF FUNCTIONS

Functions of the President under this section, except those functions under subsec. (a) of this section relating to findings, were delegated to the Secretary of Defense by sections 1-301(a) and 1-701 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

FINDINGS BY SECRETARY OF STATE

The Secretary of State, in the implementation of the functions delegated to him under section 2314(a)(1), (4), and (e) of this title, was authorized by section 1-701(e)(1) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title, to find, in the case of a proposed transfer of a defense article or a related training or a related defense service by a foreign country or international organization to a foreign country or international organization not otherwise eligible under subsec. (a) of this section, whether the proposed transfer would strengthen the security of the United States and promote world peace.

REVIEW OF MILITARY ASSISTANCE PROGRAM; REDUCTION AND ELIMINATION PLAN; SUBMITTAL TO CONGRESS

Pub. L. 93-559, § 17, Dec. 30, 1974, 88 Stat. 1800, which set forth provisions respecting review of military assistance program and submittal to Congress of plan for reduction and elimination, was repealed by Pub. L. 95-384, § 29(c)(4), Sept. 26, 1978, 92 Stat. 747.

§ 2312. Authorization of appropriations; limitation on countries to receive assistance; adjustment of amounts; availability of appropriated amounts; programming and budgeting procedures

(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this part not to exceed $110,200,000 for the fiscal year 1980. Not more than the following amounts of funds available to carry out this part may be allocated and made available for assistance to each of the following countries for the fiscal year 1980:

Country:	Amount
Portugal	$30,000,000
Spain	3,800,000
Jordan	30,000,000
Philippines	25,000,000

The amount specified in this paragraph for military assistance to any such country may be increased by not more than 10 percent of such amount if the President deems such increase necessary for the purposes of this part.

(2) Except with respect to costs incurred under the authority of section 2321j(b) of this title or as otherwise specifically authorized by law, none of the funds available for assistance under this part may be used to provide assistance to any recipient other than the countries specified in paragraph (1).

(3) The authority of section 2360(a) of this title and of section 2364(a) of this title may not be used to increase any amount specified in paragraph (1) or to waive the limitations of paragraph (2).

(4) Amounts appropriated under this subsection are authorized to remain available until expended.

[*See main edition for text of* (b)]

(As amended Pub. L. 95-23, Apr. 30, 1977, 91 Stat. 54; Pub. L. 95-92, § 5(a), Aug. 4, 1977, 91 Stat. 614; Pub. L. 95-384, § 7(a), Sept. 26, 1978, 92 Stat. 732; Pub. L. 96-92, § 5(a), Oct. 29, 1979, 93 Stat. 702.)

AMENDMENTS

1979—Subsec. (a)(1). Pub. L. 96-92 substituted appropriations authorization of $110,200,000 for fiscal year 1980 for prior authorization of $133,500,000 for fiscal year 1979, made the allocations available in specified amounts to Portugal, Spain, Jordan and the Philippines, deleted from the listing Greece, and deleted the phrase "for the fiscal year 1979" following "any such country" in provision limiting the percentage increment in an allotment to such fiscal year.

1978—Subsec. (a). Pub. L. 95-384 substituted provisions authorizing appropriations of $133,500,000 to the President for fiscal year 1979 to carry out the purposes of this part with specified amounts allocated to Portugal, Spain, Jordan, the Philippines, and Greece for provisions authorizing appropriations of $228,900,000 to the President for fiscal year 1978 to carry out the purposes of this part with specified amounts allocated to Greece, Portugal, Spain, Turkey, Jordan, Indonesia, the Philippines, and Thailand.

1977—Subsec. (a)(1). Pub. L. 95-92 substituted provisions authorizing appropriations for fiscal year 1978 to carry out the purposes of this part with specified amounts allocated to Greece, Portugal, Spain, Turkey, Jordan, Indonesia, Philippines, and Thailand, for provisions authorizing appropriations for fiscal years 1976 and 1977 to carry out the purposes of this part with specified amounts allocated to Greece, Indonesia, Jordan, Republic of Korea, Philippines, Thailand, Turkey, Ethiopia, and Portugal.

Pub. L. 95-23 substituted "$179,550,000" for "$177,300,000" and added Portugal, with a fiscal year 1977 limit of $32,250,000, to the table of countries.

Subsec. (a)(2). Pub. L. 95-92 substituted provisions prohibiting assistance to countries other than the countries specified in par. (1) except with respect to costs incurred under section 2321j(b) of this title or as otherwise required by law, for provisions setting forth limitations on amounts available for fiscal years 1976 and 1977 to carry out the purposes of this part with respect to assistance to international organizations and countries not designated in former par. (1).

Subsec. (a)(3). Pub. L. 95-92 substituted provisions relating to the authority of sections 2360(a) and 2364(a) of this title, for provisions setting forth limitations on the number of countries eligible for assistance under this part in fiscal years 1976 and 1977.

Subsec. (a)(4). Pub. L. 95-92 substituted provisions authorizing availability until expended of amounts appropriated under this subsection, for provisions relating to the authority of sections 2360(a) and 2364(a) of this title to increase appropriated amounts and making inapplicable to emergency assistance under section 2314(a) of this title limitations on appropriated funds under this section.

Subsec. (a)(5) to (8). Pub. L. 95-92 struck out pars. (5) to (8) which provided for appropriations for administrative and related expenses for fiscal years 1976 and 1977, restricted use of funds with respect to sophisticated weapons systems, authorized appropriated amounts to remain available until expended, and re-

quired assistance to Turkey under this part to be subject to section 2370(x) of this title, respectively.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under subsec. (a) of this section were delegated to the Secretary of State and funds available to the President for carrying out this subchapter, with specified exceptions, were allocated to the Secretary of Defense by sections 1-201(a)(3) and 1-801(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

MILITARY ASSISTANCE TO SUDAN

Pub. L. 96-53, title V, § 502, Aug. 14, 1979, 93 Stat. 377, provided that: "In addition to the amount authorized to be appropriated for grant military assistance for the fiscal year 1980 by section 504(a)(1) of the Foreign Assistance Act of 1961 [subsec. (a)(1) of this section], there is authorized to be appropriated to carry out the purposes of chapter 2 of part II of that Act [this part] for the fiscal year 1980 $1,700,000. Not more than $1,700,000 of the funds available to carry out that chapter for the fiscal year 1980 may be allocated and made available for assistance for Sudan. For purposes of the last sentence of section 504(a)(1) and for purposes of section 515(b)(1) of the Foreign Assistance Act of 1961 [section 2321i(b)(1) of this title], this section shall be deemed to be part of such section 504(a)(1)."

§ 2314. Furnishing of defense articles or related training or other defense service on grant basis

[*See main edition for text of* (a) *to* (f)]

(g) Discrimination prohibited if based on race, religion, national origin, or sex

[*See main edition for text of* (1) *to* (3)]

(4)(A) Upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall, within 60 days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs, with respect to the country designated in such request, setting forth—

[*See main edition for text of* (i) *to* (iv), (B) *and* (C)]

(As amended Pub. L. 95-105, title I, § 109(a)(4), Aug. 17, 1977, 91 Stat. 846; H. Res. 89, Feb. 5, 1979.)

AMENDMENTS

1977—Subsec. (g)(4)(A). Pub. L. 95-105 substituted "Assistant Secretary of State" for "Coordinator" in provisions preceding cl. (i).

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

DELEGATION OF FUNCTIONS

The functions of the President under this section, with the exception of those respecting determinations under subsec. (d)(2)(A), (3) of this section and certain other specified exceptions, were delegated to the Secretary of Defense by sections 1-301(a) and 1-701(d), (e)(2) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under subsec. (a) of this section relating to other provisions required by the President, subsec. (a)(1) and (4) of this section relating to consent, subsec. (b) of this section to the extent it pertains to countries agreeing to conditions set forth therein, subsec. (d) of this section except such functions with respect to determinations under subsec. (d)(2)(A) and (3), and subsecs. (e) and (g) of this section were delegated to the Secretary of State pursuant to section 1-201(a)(3), (4), and (5) of Ex. Ord. No. 12163.

§ 2318. Special authority

(a) Unforeseen emergency; determination and report to Congress; limitation of defense articles, defense services, and military education and training furnished

If the President determines and reports to the Congress in accordance with section 2411 of this title that—

(1) an unforeseen emergency exists which requires immediate military assistance to a foreign country or international organization; and

(2) the emergency requirement cannot be met under the authority of the Arms Export Control Act [22 U.S.C. 2751 et seq.] or any other law except this section;

he may direct, for the purposes of subchapter II of this chapter, the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not to exceed $10,000,000 in any fiscal year.

(b) Notification and information to Congress of assistance furnished

(1) The authority contained in this section shall be effective for any such emergency only upon prior notification to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Appropriations of each House of Congress.

(2) The President shall keep the Congress fully and currently informed of all defense articles, defense services, and military education and training provided under this section.

(c) Authorization of appropriations for reimbursement of applicable funds

There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

(As amended Pub. L. 96-92, § 5(b), Oct. 29, 1979, 93 Stat. 702.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (a)(2), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter II of this chapter

shall be deemed to exclude part VI of subchapter II, sections 2348 to 2348c, and reference in any law to subchapter I of this chapter shall be deemed to include such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-92 authorized military education and training assistance, substituted $10,000,000 fiscal year limitation on aggregate value of assistance furnished for $67,500,000 fiscal year limitation on total value of defense articles and defense services ordered, and eliminated requirement for determination that failure to respond immediately to the emergency would result in serious harm to vital United States security interests, deleted provision authorizing reimbursement from subsequent appropriations which is covered in subsec. (c), provision for effectiveness of authority only as provided in an appropriation Act, and requirement of information to Congress which is covered in subsec. (b)(2).

Subsec. (b). Pub. L. 96-92 required notification of Congressional Committees, reenacted former subsec. (a) provision for information to Congress respecting assistance furnished, included military education and training, and deleted authorization of Defense Department, in applicable appropriations, to incur obligations in anticipation of reimbursements, and authorization of appropriations for reimbursement purposes.

Subsec. (c). Pub. L. 96-92 incorporated reimbursement provision of former subsec. (b) and expanded section to include military education and training.

ALLOCATION OF FUNDS

Funds available to the President for carrying out this subchapter, with specified exceptions, were allocated to the Secretary of Defense by section 1-801(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2321b. Excess defense article

(a) to (c) Repealed. Pub. L. 94-329, title II, § 210(c)(2), June 30, 1976, 90 Stat. 740

(d) Reports to Congress

The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress. The annual presentation materials for security assistance programs shall include a table listing by country the total value of all deliveries of excess defense articles, disclosing both the aggregate original acquisition cost and the aggregate value at the time of delivery.

(As amended Pub. L. 95-384, § 29(a), Sept. 26, 1978, 92 Stat. 747.)

AMENDMENTS

1978—Subsec. (d). Pub. L. 95-384 substituted "The annual presentation materials for security assistance programs shall include a table" for "Additionally, the President shall also submit a quarterly report to the Congress".

CODIFICATION

Section was not enacted as part of Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961, which comprises this chapter.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (d) of this section were delegated to the Secretary of State by section 1-201(a)(20) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2321d. Considerations in furnishing military assistance

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter II of this chapter shall be deemed to exclude part VI of subchapter II, sections 2348 to 2348c, and reference in any law to subchapter I of this chapter shall be deemed to include such part. See section 2348c of this title.

§ 2321g. Repealed. Pub. L. 93-189, § 12(b)(5), Dec. 17, 1973, 87 Stat. 722

SPECIAL FOREIGN COUNTRY ACCOUNTS

Section 1-501(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title, authorized the Secretary of the Treasury to continue to administer any open special foreign country accounts established pursuant to this section prior to its repeal by Pub. L. 93-189.

§ 2321h. Stockpiling of defense articles for foreign countries

[See main edition for text of (a)]

(b) Fiscal year limits on new stockpiles or additions to existing stockpiles located in foreign countries

[See main edition for text of (1)]

(2) The value of such additions to stockpiles in foreign countries shall not exceed $95,000,000 for the fiscal year 1980.

(c) Location of stockpiles

Except for stockpiles in existence on June 30, 1976 and for stockpiles located in the Republic of Korea or countries which are members of the North Atlantic Treaty Organization, no stockpile may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

[See main edition for text of (d) and (e)]

(As amended Pub. L. 95-92, § 6, Aug. 4, 1977, 91 Stat. 615; Pub. L. 95-384, § 8, Sept. 26, 1978, 92 Stat. 732; Pub. L. 96-92, § 6(a), Oct. 29, 1979, 93 Stat. 703.)

AMENDMENTS

1979—Subsec. (b)(2). Pub. L. 96-92, § 6(a)(1), substituted "$95,000,000 for the fiscal year 1980" for "$90,000,000 for the fiscal year 1979".

Subsec. (c). Pub. L. 96-92, § 6(a)(2), included reference to stockpiles in Republic of Korea.

1978—Subsec. (b)(2). Pub. L. 95-384 substituted "$90,000,000 for the fiscal year 1979" for "$270,000,000 for the fiscal year 1978".

1977—Subsec. (b)(2). Pub. L. 95-92 substituted "$270,000,000 for the fiscal year 1978" for "$93,750,000 for the period beginning July 1, 1975, and ending September 30, 1976, and $125,000,000 for the fiscal year 1977".

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Secretary of Defense to be carried out

by the Secretary in consultation with the Secretary of State by sections 1-301(a) and 1-302 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

REPUBLIC OF KOREA STOCKPILING AUTHORITIES; REPORT TO CONGRESS

Section 6(b) of Pub. L. 96-92 provided that:

"The President shall transmit to the Congress not later than December 31, 1979, a report regarding the stockpiling authorities for the Republic of Korea. The report shall—

"(1) detail the goals of the stockpiling program for the Republic of Korea, including projections for additional stockpiling authority;

"(2) review the procedures for the transfer of stockpiled materiel in time of war and recommend changes if necessary; and

"(3) state the intentions of the executive branch with regard to the eventual peacetime disposition of the stockpiled materiel, including the general terms and conditions of any peacetime transfer."

§ 2321i. Overseas management of assistance and sales programs

(a) Specific Congressional authorization required for military assistance advisory group, etc., to operate in any foreign country; exceptions

No military assistance advisory group, military mission, or other organization of United States military personnel performing similar military advisory functions under this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] may operate in any foreign country unless specifically authorized by the Congress. The prohibition contained in this subsection does not apply to regular units of the Armed Forces of the United States engaged in routine functions designed to bring about the standardization of military operations and procedures between the Armed Forces of the United States and countries which are members of the North Atlantic Treaty Organization or other defense treaty allies of the United States.

(b) Assignment of military personnel to specified countries by President for implementation of management responsibilities during fiscal year 1979 under international security assistance programs; functions of assigned personnel; maximum number assignable; reimbursement

(1) In order to carry out his responsibilities for the management during the fiscal year 1980 of international security assistance programs conducted under this part, under part V of this subchapter, or under the Arms Export Control Act [22 U.S.C. 2751 et seq.], the President may assign members of the Armed Forces of the United States to perform necessary functions with respect to such programs in the countries specified in section 2312(a)(1) of this title and in the Republic of Korea, Panama, Greece, Turkey, Indonesia, Thailand, Morocco, Iran, Kuwait, and Saudi Arabia. Members of the Armed Forces assigned under this subsection shall have as their primary functions logistics management, transportation, fiscal management, and contract administration of country programs. It is the sense of the Congress that advisory and training assistance in the countries specified above shall primarily be provided by personnel who are not assigned under this subsection and who are detailed for limited periods to perform specific tasks.

(2) The total number of members of the Armed Forces assigned under this subsection to each country specified in paragraph (1) of this subsection may not exceed the number justified to the Congress in the congressional presentation materials, unless the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives are so notified.

(3) Members of the Armed Forces authorized to be assigned to Iran, Kuwait, and Saudi Arabia by paragraph (1) of this subsection may only be assigned to such countries on a fully reimbursable basis under section 21(a) of the Arms Export Control Act [22 U.S.C. 2761(a)], except that this requirement shall apply only to the extent that the number of members of the Armed Forces assigned to each such country exceeds six.

(c) Assignment of military personnel to nonspecified countries by President for performance of accounting and other management functions under international security assistance programs; maximum number assignable; exceptions

The President may assign not to exceed three members of the Armed Forces to any country not specified in subsection (b)(1) of this section to perform accounting and other management functions with respect to international security assistance programs conducted under this part, part V of this subchapter, or under the Arms Export Control Act [22 U.S.C. 2751 et seq.], except that not to exceed three additional members of the Armed Forces may be assigned to a country to perform such functions when specifically requested by the Chief of the Diplomatic Mission as necessary to the efficient operation of the Mission.

(d) Maximum number assignable for fiscal year 1979 to all countries

The total number of members of the Armed Forces assigned to foreign countries under subsections (b) and (c) of this section, including any such members serving on a reimbursable basis pursuant to subsection (b)(3) of this section, may not exceed 790 for the fiscal year 1979.

(e) Direction and supervision of assigned personnel

Members of the Armed Forces assigned to a foreign country under subsection (b) or (c) of this section shall serve under the direction and supervision of the Chief of the United States Diplomatic Mission in that country.

(f) Performance of management functions by defense attachés; procedure; maximum number

Defense attachés may perform overseas management functions described in this section only if the President determines that the performance of such functions by defense attachés is the most economic and efficient means of performing such functions. The President shall promptly report each such determination to the Speaker of the House of Representatives and to the chairman of the Senate Committee on Foreign Relations and the chairman of the Senate Committee on Armed Services, together with a description of the number of personnel involved and a statement of the reasons for

such determination. The number of defense attachés performing overseas management functions in a country under this subsection may not exceed the number of defense attachés authorized to be assigned to that country on December 31, 1978, except that the President may assign an aggregate total of not to exceed eight additional defense attachés to such countries in order to perform overseas management functions under this subsection.

(g) Funding requirements; applicability of assignment and numerical limitations to programs on reimbursable basis

The entire costs (including salaries of United States military personnel) of overseas management of international security assistance programs under this section shall be charged to or reimbursed from funds made available to carry out this part, including any such costs which are reimbursed from charges for services collected from foreign governments pursuant to sections 21(e) and 43(b) of the Arms Export Control Act [22 U.S.C. 2761(e) and 2792(b)]. The prohibition contained in subsection (a) of this section and the numerical limitations contained in subsections (b), (c), and (d) of this section shall not apply to members of the Armed Forces performing services for specific purposes and for fixed periods of time on a fully reimbursable basis under section 21(a) of the Arms Export Control Act [22 U.S.C. 2761(a)].

(h) Restrictions on encouragement by United States diplomatic and military personnel of military equipment purchases by foreign countries

The President shall continue to instruct United States diplomatic and military personnel in United States missions abroad that they should not encourage, promote, or influence the purchase by any foreign country of United States-made military equipment, unless they are specifically instructed to do so by an appropriate official of the executive branch.

(As amended Pub. L. 95–92, § 7(a), Aug. 4, 1977, 91 Stat. 615; Pub. L. 95–384, § 9, Sept. 26, 1978, 92 Stat. 732; H. Res. 89, Feb. 5, 1979; Pub. L. 96–92, § 7, Oct. 29, 1979, 93 Stat. 703.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in subsecs. (a), (b)(1), (c), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

AMENDMENTS

1979—Subsec. (b)(1). Pub. L. 96–92, § 7(1), substituted "fiscal year 1980" for "fiscal year 1979" and authorized assignment of military personnel for programs in Greece.

Subsec. (f). Pub. L. 96–92, § 7(2), substituted "December 31, 1978" for "December 31, 1977".

1978—Subsec. (b)(1). Pub. L. 95–384, § 9(a), substituted "fiscal year 1979" for "fiscal year 1978" and "Turkey, Indonesia, Thailand" for "Brazil".

Subsec. (d). Pub. L. 95–384, § 9(b), substituted ", including any such members serving on a reimbursable basis pursuant to subsection (b)(3) of this section, may not exceed 790 for the fiscal year 1979" for "may not exceed 865 for the fiscal year 1978".

Subsec. (f). Pub. L. 95–384, § 9(c), substituted "December 31, 1977, except that the President may assign an aggregate total of not to exceed eight additional defense attachés to such countries in order to perform overseas management functions under this subsection" for "December 31, 1976".

Subsec. (g). Pub. L. 95–384, § 9(d), inserted "for fixed" following "for specific purposes and".

Subsec. (h). Pub. L. 95–384, § 9(e), added subsec. (h).

1977—Subsec. (a). Pub. L. 95–92 substituted provisions requiring specific Congressional authorization for a military assistance advisory group, etc., to operate in any foreign country and set forth exceptions to such requirement, for provisions authorizing deductions of expenditures from military assistance appropriations during the period beginning July 1, 1976, and ending Sept. 30, 1977, under section 2312 of this title where under this section reimbursement is requested by the expending government agency or if the available funds are deposited in the Treasury as miscellaneous receipts.

Subsec. (b). Pub. L. 95–92 substituted provisions relating to assignment of military personnel to specified countries by President for implementation of management responsibilities during fiscal year 1978 under international security assistance programs, for provisions requiring specific Congressional authority for assignment of any military assistance advisory group, etc., to operate in any foreign country after Sept. 30, 1977, and provisions relating to assignment by the President of military personnel to diplomatic missions of the United States.

Subsec. (c). Pub. L. 95–92 substituted provisions relating to assignment of military personnel to nonspecified countries by President for performance of accounting and other management functions under international security assistance programs, for provisions limiting after Sept. 30, 1976, the number of military missions and groups to not more than 34.

Subsec. (d). Pub. L. 95–92 substituted provisions setting forth maximum number of military personnel assignable under subsecs. (b) and (c) of this section for fiscal year 1978 as 865, for provisions defining "military assistance advisory group, military mission, or other organization of United States military personnel performing similar military advisory functions under this chapter".

Subsecs. (e) to (g). Pub. L. 95–92 added subsecs. (e) to (g).

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

DELEGATION OF FUNCTIONS

Functions of the President under this section, except such functions relating to determinations under subsec. (f) of this section, were delegated to the Secretary of Defense by sections 1-301(a) and 1-701 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, 56677, set out as a note under section 2381 of this title.

§ 2321j. Termination of authority

(a) Except to the extent that the Congress may, subsequent to the enactment of this section, authorize the furnishing of military assistance in accordance with this part to specified countries in specified amounts, the authorities contained in this part (other than the authorities contained in sections 2318, 2321h, and 2321i of this title) may not be exercised after Septem-

ber 30, 1977, except that such authorities shall remain available until September 30, 1980, to the extent necessary to carry out obligations incurred under this part on or before September 30, 1977, and shall remain available for a period of three fiscal years next following any fiscal year after the fiscal year 1977 for which assistance under this part has been authorized for a country, to the extent necessary to carry out obligations incurred under this part with respect to such assistance for such country on or before September 30 of such fiscal year.

(b) Funds available to carry out this part shall be available notwithstanding the limitations contained in paragraph (2) of section 2312(a) of this title—

[*See main edition for text of (1) and (2)*]

(As amended Pub. L. 95–92, §§ 5(b), 7(b), Aug. 4, 1977, 91 Stat. 615, 617; Pub. L. 95–384, § 7(b), Sept. 26, 1978, 92 Stat. 732; Pub. L. 96–92, § 5(c), Oct. 29, 1979, 93 Stat. 703.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-92 substituted provision respecting availability of authorities for a period of three fiscal years next following any fiscal year after the fiscal year 1977 for which assistance under this part has been authorized for a country to the extent necessary to carry out obligations incurred under this part with respect to such assistance for such country on or before September 30 of such fiscal year for provision respecting availability of authorities until Sept. 30, 1981 to the extent necessary to carry out obligations incurred under this part during the fiscal year 1978 with respect to Indonesia and Thailand.

1978—Subsec. (a). Pub. L. 95-384 inserted ", and until September 30, 1981, to the extent necessary to carry out obligations incurred under this part during the fiscal year 1978 with respect to Indonesia and Thailand" following "before September 30, 1977".

1977—Subsec. (a). Pub. L. 95-92, § 7(b), struck out "(b)(2)" following "2321i".

Subsec. (b). Pub. L. 95-92, § 5(b), struck out reference to par. (3) of section 2312(a) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2312 of this title.

PART III—FOREIGN MILITARY SALES

§ 2344. Reimbursements

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter II of this chapter shall be deemed to exclude part VI of subchapter II, sections 2348 to 2348c, and reference in any law to subchapter I of this chapter shall be deemed to include such part. See section 2348c of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Secretary of Defense pursuant to section 1-301(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

PART IV—ECONOMIC SUPPORT FUND

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 290f, 2304, 2348a, 2354, 2355, 2357, 2358, 2361, 2362, 2368, 2369, 2372, 2385, 2395, 2397, 2399c, 2413, 2421, 2427, 2429, 2429a, 3403 of this title.

§ 2346. General authorization

(a) Policy requirements for programs

(1) The Congress recognizes that under special economic, political, or security conditions the national interests of the United States may require economic support for countries or in amounts which could not be justified solely under part I of subchapter I of this chapter. In such cases, the President is authorized to furnish assistance to countries and organizations, on such terms and conditions as he may determine, in order to promote economic or political stability. In planning assistance intended for economic development under this part, the President shall take into account, to the maximum extent feasible, the policy directions of section 2151 of this title.

(2) The Secretary of State shall be responsible for policy decisions and justifications for economic support programs under this part, including determinations of whether there will be an economic support program for a country and the amount of the program for each country. The Secretary shall exercise this responsibility in cooperation with the Director of the United States International Development Cooperation Agency.

(b) Authorization of appropriations

(1) There are authorized to be appropriated to the President to carry out the purposes of this part for the fiscal year 1980, $1,935,000,000.

(2) Amounts appropriated to carry out this part are authorized to remain available until expended.

(c) Availability of funds

Amounts appropriated to carry out this part shall be available for economic programs only and may not be used for military or paramilitary purposes.

(As amended Pub. L. 95–92, § 8(a), Aug. 4, 1977, 91 Stat. 617; Pub. L. 95–384, § 10(a), Sept. 26, 1978, 92 Stat. 733; 1979 Reorg. Plan No. 2, § 6(b)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379; Pub. L. 96–92, § 8(a), Oct. 29, 1979, 93 Stat. 703.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b, AND REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b

Section 202(b) of Pub. L. 92-226 provided that: "Chapter 4 of part I of the Foreign Assistance Act of 1961 [part IV of subchapter I of this chapter (sections 2241 to 2243 of this title)] is hereby repealed. References to such chapter [4 of part I of the Foreign Assistance Act of 1961 (former sections 2241 to 2243 of this title)] or any sections thereof shall hereafter [on and after Feb. 7, 1972] be deemed to be references to chapter 4 of part II of the Foreign Assistance Act of 1961, as added by subsection (a) of this section [this part], or to appropriate sections thereof. All references to part I of the Foreign Assistance Act of 1961 [subchapter I of this chapter] shall hereafter be deemed to be references also to chapter 4 of part II [this part], and all references to part II of such Act [subchapter II of this chapter] shall be deemed not to include chapter 4 of such part II [this part]".

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter

shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (b)(1). Pub. L. 96-92 substituted appropriations authorization of $1,935,000,000 for fiscal year 1980, for such authorization of $1,902,000,000 for fiscal year 1979.

1978—Pub. L. 95-384 substituted provisions relating to the authority of the President with regard to the Economic Support Fund program for provisions relating to the authority of the President with regard to Security Supporting Assistance program.

1977—Pub. L. 95-92 added provisions excepting programs in southern Africa and requirement of consideration of policy directives in part I of subchapter I of this chapter.

TRANSFER OF FUNCTIONS

"Director of the United States International Development Cooperation Agency" was substituted for "Administrator of the agency primarily responsible for administering subchapter I of this chapter" in subsec. (a)(2) of this section pursuant to Reorg. Plan No. 2 of 1979, § 6(b)(1), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, as provided by section 1-101 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title, which transferred the functions and authorities vested in such Administrator under subsec. (a)(2) of this section to the Director.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section, insofar as they relate to policy decisions and justifications for economic support programs under this part, were delegated to the Secretary of State to be exercised in cooperation with the Director of the United States International Development Cooperation Agency by section 1-201(a)(6) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title, and funds available to the President for carrying out this part, with specified exceptions, were allocated to the Director by section 1-801(a) of Ex. Ord. No. 12163, 44 F.R. 56678.

REFERENCES TO SECURITY SUPPORTING ASSISTANCE AS REFERENCES TO ASSISTANCE UNDER PART IV OF SUBCHAPTER II OF THIS CHAPTER

Section 10(b)(6) of Pub. L. 95-384 provided that: "After September 30, 1978, any reference in any law to security supporting assistance shall be deemed to be a reference to assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 [part IV of subchapter II of this chapter]."

SECURITY SUPPORTING ASSISTANCE PROGRAM FOR EGYPT

Section 9 of Pub. L. 95-92, as amended by Pub. L. 95-384, § 29(c)(2)(A), Sept. 26, 1978, 92 Stat. 747, provided that: "It is the sense of the Congress that the security supporting assistance program for Egypt plays an important role in the Middle East peace effort and that the Executive branch should concentrate its efforts in order to make the program a success."

REVIEW OF SECURITY SUPPORTING ASSISTANCE PROGRAM FOR EGYPT; ESTABLISHMENT, FUNCTIONS, ETC., OF SPECIAL INTERAGENCY TASK FORCE

Section 9 of Pub. L. 95-92 provided that:

"(a) It is the sense of the Congress that the security supporting assistance program for Egypt plays an important role in the Middle East peace effort and that the Executive branch should concentrate its efforts in order to make the program a success.

"(b) In furtherance of the policy expressed in subsection (a), the Secretary of State shall convene a Special Interagency Task Force (hereafter in this section referred to as the 'Task Force') to review and prepare a study on the security supporting assistance program for Egypt. The Task Force may employ consultants for the purpose of carrying out such study.

"(c)(1) The Task Force shall review planned United States economic assistance to Egypt and shall suggest alternatives to such assistance. In carrying out this paragraph, the Task Force shall consider—

"(A) the interrelationship of United States and Egyptian economic and political interests;

"(B) the possibility of emphasizing programs designed to enhance the opportunities in the Egyptian private business and agriculture sectors, with special emphasis on low-cost approaches to expedite development; and

"(C) to the extent appropriate, the views of Egyptian economists and government officials.

"(2) Based on an analysis of the considerations described in paragraph (1) and on such other considerations as it may find to be relevant, the Task Force shall develop a plan for the use of future United States economic assistance to Egypt. Such plan shall include, where necessary, suggestions for revising legislation, for specific development projects, and for the staff requirements of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [subchapter I of this chapter].

"(d)(1) In carrying out its responsibilities under paragraphs (1) and (2) of subsection (c), the Task Force shall consult, on a regular basis, with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives [now Committee on Foreign Affairs].

"(2) The Task Force shall transmit the plan developed pursuant to subsection (c)(2) to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate not later than February 15, 1978.

"(e) Not to exceed $750,000 of the funds authorized and earmarked for security supporting assistance to Egypt in the fiscal year 1977 shall be available to carry out this section."

§ 2346a. Middle East program

(a) Policy requirements

The Congress recognizes that a peaceful and lasting resolution of the divisive issues that have contributed to tension and conflict between countries in the Middle East is essential to the security of the United States and the cause of world peace. The Congress declares and finds that the United States can and should play a constructive role in securing a just and durable peace in the Middle East by facilitating increased understanding between the Arab countries and Israel and by assisting the countries in the region in their efforts to achieve economic progress and political stability, which are the essential foundations for peace. It is the sense of the Congress that United States assistance programs in the Middle East should be designed to promote mutual respect and security among the countries in the region and to foster a climate conducive to increased economic development, thereby contributing to a community of free, secure, and prospering countries in the Middle East.

(b) Availability of funds; amount of grants; cash transfers

(1) Of the amount authorized to be appropriated to carry out this part for the fiscal year 1980, not less than $785,000,000 shall be availa-

ble only for Israel and not less than $750,000,000 shall be available only for Egypt. Not less than two-thirds of such funds shall be provided on a grant basis to each such country.

(2) The total amount of funds allocated for Israel under this part for the fiscal year 1980 may be made available as a cash transfer. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfers made to Israel does not cause an adverse impact on the total amount of nonmilitary exports from the United States to Israel.

(c) Regional programs

It is the sense of the Congress that programs which stress regional development or regional scientific and technical cooperation in the Middle East can contribute in an important way to the mutual understanding that must serve as the basis for permanent peace in the Middle East.

(d) Comprehensive peace settlement; process of peace

It is the sense of the Congress that—

(1) funds made available under this part for countries in the Middle East are designed to promote progress toward a comprehensive peace settlement in the Middle East; and

(2) for Syria and Jordan to continue to receive funds under this part, it should be judged by the President that they are acting in good faith to achieve further progress toward a comprehensive peace settlement and that the expenditure of the funds will serve the process of peace in the Middle East.

(e) Assistance for Syria

None of the funds authorized to be appropriated to carry out this part for the fiscal year 1980 may be used to provide assistance for Syria, unless the President determines, and so reports to the Congress, that assistance for Syria is in the national interest of the United States.

(As amended Pub. L. 95–92, § 8(b), Aug. 4, 1977, 92 Stat. 617; Pub. L. 95–384, § 10(a), Sept. 26, 1978, 92 Stat. 733; Pub. L. 96–92, § 8(b), Oct. 29, 1979, 93 Stat. 703.)

AMENDMENTS

1979—Subsec. (b). Pub. L. 96–92 reenacted par. (1), substituted therein "fiscal year 1980" for "fiscal year 1979", deleted provision making $93,000,000 available to Jordan, and incorporated grant basis of awards of former par. (3); renacted par. (2) and substituted therein "fiscal year 1980" for "fiscal year 1979"; deleted par. (3) grant provision, now covered in par. (1); deleted par. (4) making $65,000,000 available, fiscal year 1979, to Egypt for private enterprise development programs; deleted par. (5), first sentence, relating to mutual understanding (now covered in subsec. (c)), and second sentence, making $5,000,000 available, fiscal year 1979, for programs stressing cooperation between Israel and its Arab neighbors and Arab-Israel cooperation; and deleted par. (6) conditioning receipt of funds for fiscal year 1979, for projects covering potash production facilities and Maqarin Dam and Jordan Valley Irrigation System, on Jordan's obtaining firm financial commitments from non-Federal sources for such projects.

Subsec. (c). Pub. L. 96–92 reenacted first sentence of former subsec. (b)(5) as subsec. (c).

Subsecs. (d), (e). Pub. L. 96–92 added subsecs. (d) and (e).

1978—Pub. L. 95–384 substituted provisions relating to the Middle East program with regard to the Economic Support Fund for provisions relating the authorization of appropriations for the Security Supporting Assistance program.

1977—Subsec. (a). Pub. L. 95–92 designated existing provisions as par. (1) and, as so designated, substituted provisions relating to authorization of appropriation to carry out the purposes of this part for the fiscal year 1978, and requirements respecting minimum amounts available for Israel, Egypt, Jordan, Syria, Lebanon, and Cyprus, for provisions relating to authorization of appropriations to carry out the purposes of this part for the fiscal years 1976 and 1977, requirements respecting minimum amounts available for Greece, Israel, and Egypt, for fiscal year 1976, and for Israel, Egypt, Zambia, and Zaire for fiscal year 1977, and availability of appropriated amounts until expended, and added par. (2).

Subsec. (b). Pub. L. 95–92 substituted provisions authorizing availability of appropriated amounts until expended, for provisions relating to restrictions on funds appropriated to Zaire and Zambia.

DELEGATION OF FUNCTIONS

Functions of the President under this section, insofar as they relate to policy decisions and justifications for economic support programs under this part, were delegated to the Secretary of State to be exercised in cooperation with the Director of the United States International Development Cooperation Agency by section 1–201(a)(6) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

NEGOTIATIONS BETWEEN ISRAEL AND EGYPT; PROMOTION, ETC.

Section 28 of Pub. L. 95–384 provided that:

"(a) The Congress finds that—

"(1) a lasting settlement of the Arab-Israel conflict is vital to United States national interests as well as to the interests of the countries of the region;

"(2) support for a strong and secure Israel and the maintenance for this purpose of Israel's effective defense capabilities as essential to peace remains a fundamental tenet of United States foreign policy;

"(3) direct, face-to-face negotiations between Israel and Egypt without preconditions is an historic opening for peace, and the support of such negotiations by other moderate Arab countries, can best promote a peace settlement based on mutual concessions and accommodations;

"(4) the establishment of secure, recognized, and defensible borders between Israel and its neighbors will discourage hostilities; and

"(5) full, normalized relations between Israel and its Arab neighbors, including trade, travel, tourism, communications, and diplomatic relations are vital for peace.

"(b) It is the sense of the Congress that the Government of the United States should continue to promote direct negotiations between Israel and Egypt and to encourage other Arab countries to enter into negotiations leading to peace treaties with Israel.

"(c) It is further the sense of the Congress that the United States should be responsive to Israel's economic needs and defense requirements, including the provision of additional advanced aircraft, in order to maintain Israel's defense capability which is essential to peace."

§ 2346b. Southern Africa regional refugee program; availability of funds; assistance requirements and limitations

(a) Of the amount authorized to be appropriated to carry out this part for the fiscal year 1980, $68,000,000 shall be available for the countries of southern Africa and for a southern

Africa regional refugee support, training, and economic planning program to address the problems caused by the economic dislocation resulting from the conflict in that region and for education and job training assistance. Such funds may be used to provide humanitarian assistance to African refugees and persons displaced by war and internal strife in southern Africa, to improve transportation links interrupted or jeopardized by regional political conflicts, and to provide support to countries in that region.

(b) No assistance may be furnished under this section to Mozambique, Angola, Tanzania, or Zambia, except that the President may waive this prohibition with respect to any such country if he determines, and so reports to the Congress, that furnishing such assistance to such country would further the national interests of the United States.

(Pub. L. 87-195, pt. II, § 533, as added Pub. L. 95-92, § 8(c), Aug. 4, 1977, 91 Stat. 618, and amended Pub. L. 95-384, § 10(a), Sept. 26, 1978, 92 Stat. 735; Pub. L. 96-92, § 8(c), Oct. 29, 1979, 93 Stat. 704.)

PRIOR PROVISIONS

A prior section 2346b, Pub. L. 87-195, pt. II, § 533, as added Pub. L. 92-226, pt. II, § 202(a), Feb. 7, 1972, 86 Stat. 27, provided for a Vietnam special dollar account for coverage of United States refund claims, amount in account, and maintenance of dollar level, and was repealed by Pub. L. 93-189, § 13(2), Dec. 17, 1973, 87 Stat. 722.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-92 substituted provision making $68,000,000 available for fiscal year 1980 for provision making $60,000,000 available for fiscal year 1979, authorized use of funds for a southern Africa regional refugee support, training, and economic planning program, and deleted "economic" preceding "support to countries in the region".

Subsec. (b). Pub. L. 96-92 substituted "national interests of the United States" for "foreign policy interests of the United States".

1978—Pub. L. 95-384 substituted provisions relating to the Southern Africa program with regards to the Economic Support Fund for provisions relating to the Southern Africa program with regard to Security Supporting Assistance.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (b) of this section were delegated to the Secretary of State by section 1-201(a)(7) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2346c. Turkey and Cyprus programs; availability of funds

(a) Of the amount authorized to be appropriated to carry out this part for the fiscal year 1980, $15,000,000 shall be available only for Cyprus for refugee relief, reconstruction, or other activities consistent with a reconciliation on Cyprus.

(b) Of the amount authorized to be appropriated to carry out this part for the fiscal year 1980, not more than $98,000,000 shall be available for Turkey.

(Pub. L. 87-195, pt. II, § 534, as added Pub. L. 95-384, § 10(a), Sept. 26, 1978, 92 Stat. 735, and amended Pub. L. 96-92, § 8(d), Oct. 29, 1979, 93 Stat. 704.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-92 substituted "fiscal year 1980, $15,000,000 shall be available only for Cyprus for refugee relief, reconstruction, or other activities consistent with a reconciliation on Cyprus" for "fiscal year 1979, not less than $15,000,000 shall be available only for refugee relief and reconstruction on Cyprus".

Subsec. (b). Pub. L. 96-92 substituted "fiscal year 1980, not more than $98,000,000 shall be available for Turkey" for "fiscal year 1979, not less than $50,000,000 shall be available only for Turkey".

SUPPLEMENTAL AUTHORIZATION FOR TURKEY; FISCAL YEAR 1979

Pub. L. 96-92, § 27, Oct. 29, 1979, 93 Stat. 711, provided that:

"(a) It is hereby determined that the national interests of the United States would be served by the furnishing of additional economic support fund assistance to Turkey in order to promote the economic and political stability of that country, and to strengthen its ability to fulfill its responsibilities as a member of the North Atlantic Treaty Organization.

"(b) In furtherance of subsection (a) of this section, and in addition to amounts otherwise available for such purposes, there are authorized to be appropriated to the President to carry out the purposes of chapter 4 of part II of the Foreign Assistance Act of 1961 [this part] $100,000,000 for the fiscal year 1979, which amount shall be available only for Turkey.

"(c) Amounts appropriated under this section may be made available until expended.

"(d) Notwithstanding any assistance authorized for Turkey under this Act [See Short Title of 1979 Amendment note set out under section 2151 of this title], it remains the policy of the United States that all foreign troops in Cyprus, except those stationed in Cyprus under the auspices of the United Nations, should be withdrawn from Cyprus.

"(e) It is the sense of the Congress that the recent announcement by the leaders of the Greek Cypriots and the Turkish Cypriots to resume intercommunal negotiations is an encouraging recognition by the parties that the human rights and fundamental freedoms of all the citizens of the Republic of Cyprus will be respected. The Congress urges all parties to the negotiations to demonstrate good faith in the negotiations and to move promptly toward a full, just, and lasting settlement."

§ 2346d. Sudan program; availability of funds

Of the amount authorized to be appropriated to carry out this part for the fiscal year 1980, not less than $40,000,000 shall be available for Sudan.

(Pub. L. 87-195, pt. II, § 535, as added Pub. L. 96-92, § 8(e), Oct. 29, 1979, 93 Stat. 704.)

PART V—INTERNATIONAL MILITARY EDUCATION AND TRAINING

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2304, 2314, 2321i, 2372, 2403, 2417 of this title.

§ 2347. General authority

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated to the Secretary of Defense and funds available to the President for carrying out this subchapter, with specified exceptions, were allocated to the Secretary by sections 1-301(a) and 1-801(b) of Ex. Ord. No.

12163, Sept. 29, 1979, 44 F.R. 56675, 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2347a. Authorization of appropriations

There are authorized to be appropriated to the President to carry out the purposes of this part $31,800,000 for the fiscal year 1980, except that no part of such amount may be made available for Inter-American regional programs unless the foreign countries participating in such programs collectively contribute an equivalent amount to carry out the purposes of such programs. After June 30, 1976, no training under this section may be conducted outside the United States unless the President has reported and justified such training to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

(As amended Pub. L. 95-92, § 10, Aug. 4, 1977, 91 Stat. 619; Pub. L. 95-384, § 11(a), Sept. 26, 1978, 92 Stat. 736; Pub. L. 96-92, § 9, Oct. 29, 1979, 93 Stat. 705.)

Amendments

1979—Pub. L. 96-92 substituted appropriations authorization of $31,800,000 for fiscal year 1980, for identical authorization for fiscal year 1979, and required collective contribution of an equivalent amount by the foreign countries participating in Inter-American regional programs before such amount became available from the appropriation for such programs.

1978—Pub. L. 95-384 substituted "$31,800,000 for the fiscal year 1979" for "$31,000,000 for the fiscal year 1978".

1977—Pub. L. 95-92 substituted "$31,000,000 for the fiscal year 1978" for "$27,000,000 for the fiscal year 1976 and $30,200,000 for the fiscal year 1977".

Delegation of Functions; Allocation of Funds

Functions of the President under this section were delegated to the Secretary of Defense and funds available to the President for carrying out this subchapter, with specified exceptions, were allocated to the Secretary by sections 1-301(a) and 1-801(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2347b. Congressional declaration of purpose

Education and training activities conducted under this part shall be designed—

(1) to encourage effective and mutually beneficial relations and increased understanding between the United States and foreign countries in furtherance of the goals of international peace and security;

(2) to improve the ability of participating foreign countries to utilize their resources, including defense articles and defense services obtained by them from the United States, with maximum effectiveness, thereby contributing to greater self-reliance by such countries; and

(3) to increase the awareness of nationals of foreign countries participating in such activities of basic issues involving internationally recognized human rights.

(As amended Pub. L. 95-384, § 11(b), Sept. 26, 1978, 92 Stat. 736.)

Amendments

1978—Pub. L. 95-384 added par. (3).

Part VI—Peacekeeping Operations

Part Referred to in Other Sections

This part is referred to in sections 2304, 2372, 2413, 2429, 2429a of this title.

§ 2348. General authorization

The President is authorized to furnish assistance to friendly countries and international organizations, on such terms and conditions as he may determine, for peacekeeping operations and other programs carried out in furtherance of the national security interests of the United States. Such assistance may include reimbursement to the Department of Defense for expenses incurred pursuant to section 287d-1 of this title, except that such reimbursements may not exceed $5,000,000 in any fiscal year unless a greater amount is specifically authorized by this section.

(Pub. L. 87-195, pt. II, § 551, as added Pub. L. 95-384, § 12(a), Sept. 26, 1978, 92 Stat. 736, and amended Pub. L. 96-92, § 10(b), Oct. 29, 1979, 93 Stat. 705.)

Amendments

1979—Pub. L. 96-92 authorized reimbursement of Department of Defense for expenses incurred in furnishing assistance to the United States limited to $5,000,000 per fiscal year unless specifically authorized.

Delegation of Functions

Functions of the President under this part were delegated to the Secretary of State by section 1-201(a)(8) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Strife in Lebanon

Pub. L. 94-329, title IV, § 410, June 30, 1976, 90 Stat. 760, provided that: "It is the sense of the Congress that the situation in Lebanon, a nation traditionally friendly to the United States, poses a danger to peace in the Middle East. The Congress deplores the armed civil strife and the continuing erosion of national institutions which threaten to destroy the political and economic fabric of Lebanon with such tragic impact on all its people. The Congress views with grave concern any outside efforts to exploit the current strife with the purpose of transforming Lebanon into a radical state in confrontation with Israel. The Congress requests that the President use his good offices to secure an end to the civil strife and national discord in Lebanon and to preserve the traditional friendly attitude of Lebanon toward the United States."

United States Proposal for the Early Warning System in Sinai

Pub. L. 94-110, Oct. 13, 1975, 89 Stat. 572, provided that:

"Whereas an agreement signed on September 4, 1975, by the Government of the Arab Republic of Egypt and the Government of Israel may, when it enters into force, constitute a significant step toward peace in the Middle East;

"Whereas the President of the United States on September 1, 1975, transmitted to the Government of the Arab Republic of Egypt and to the Government of Israel identical proposals for United States participation in an early-warning system, the text of which has been submitted to the Congress, providing for the assignment of no more than two hundred United States civilian personnel to carry out certain specified noncombat functions and setting forth the terms and conditions thereof;

"Whereas that proposal would permit the Government of the United States to withdraw such personnel if it concludes that their safety is jeopardized or that continuation of their role is no longer necessary; and

"Whereas the implementation of the United States proposals for the early-warning system in Sinai may enhance the prospect of compliance in good faith with the terms of the Egyptian-Israeli agreements and thereby promote the cause of peace: Now, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to implement the 'United States Proposal for the Early Warning System in Sinai': *Provided, however,* That United States civilian personnel assigned to Sinai under such proposal shall be removed immediately in the event of an outbreak of hostilities between Egypt and Israel or if the Congress by concurrent resolution determines that the safety of such personnel is jeopardized or that continuation of their role is no longer necessary. Nothing contained in this resolution shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

"SEC. 2. Any concurrent resolution of the type described in the first section of this resolution which is introduced in either House of Congress shall be privileged in the same manner and to the same extent as a concurrent resolution of the type described in section 5(c) of Public Law 93-148 [section 1544(c) of Title 50, War and National Defense] is privileged under section 7 of such law [section 1546 of title 50, War and National Defense].

"SEC. 3. The United States civilian personnel participating in the early warning system in Sinai shall include only individuals who have volunteered to participate in such system.

"SEC. 4. Whenever United States civilian personnel, pursuant to this resolution, participate in an early warning system, the President shall, so long as the participation of such personnel continues, submit written reports to the Congress periodically, but no less frequently than once every six months, on (1) the status, scope, and anticipated duration of their participation, and (2) the feasibility of ending or reducing as soon as possible their participation by substituting nationals of other countries or by making technological changes. The appropriate committees of the Congress shall promptly hold hearings on each report of the President and report to the Congress any findings, conclusions, and recommendations.

"SEC. 5. The authority contained in this joint resolution to implement the 'United States Proposal for the Early Warning System in Sinai' does not signify approval of the Congress of any other agreement, understanding, or commitment made by the executive branch."

EX. ORD. NO. 11896. ESTABLISHMENT OF UNITED STATES SINAI SUPPORT MISSION

Ex. Ord. No. 11896, Jan. 13, 1976, 41 F.R. 2067, as amended by Ex. Ord. No. 12150, July 23, 1979, 44 F.R. 43455, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Joint Resolution of October 13, 1975 (Public Law 94-110, 89 Stat. 572, 22 U.S.C. 2441 note) [set out as a note above], the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), including but not limited to Sections 531, 621, 633, 901, and 903 thereof (22 U.S.C. 2346, 2381, 2393, 2441, 2443), and section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) In accordance with the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2151 et seq.], and notwithstanding the provisions of Part I of Executive Order No. 10973, as amended, [formerly set out as a note under section 2381 of this title], there is hereby established the United States Sinai Support Mission, hereinafter referred to as the Mission.

(b) The Mission shall, in accordance with the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2151 et seq.], including Part II, Chapter 6 thereof [this part], the Joint Resolution of October 13, 1975 (Public Law 94-110, 89 Stat. 572, 22 U.S.C. 2441 note) [set out as a note above], and the provisions of this Order, carry out the duties and responsibilities of the United States Government to implement the "United States Proposal for the Early Warning System in Sinai" in connection with the Basic Agreement between Egypt and Israel, signed on September 4, 1975, and the Annex to the Basic Agreement, as superseded by the Treaty of Peace between the Arab Republic of Egypt and the State of Israel, signed on March 26, 1979, and Article VII of the Appendix to Annex I of the Treaty of Peace, subject to broad policy guidance received through the Assistant to the President for National Security Affairs, and the continuous supervision and general direction of the Secretary of State pursuant to Section 622(c) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2382(c)).

(c) It shall be the duty and responsibility of the Mission to ensure that the United States role in the Early Warning System enhances the prospect of compliance in good faith with the terms of the Egyptian-Israeli agreement and thereby promotes the cause of peace.

(d) At the head of the Mission there shall be a Director, who shall be appointed by the President. The Director shall be a Special Representative of the President. There shall also be a Deputy Director, who shall be appointed by the President. The Deputy Director shall perform such duties as the Director may direct, and shall serve as the Director in the case of a vacancy in the office of the Director, or during the absence or disability of the Director.

(e) The Director and Deputy Director shall receive such compensation, as permitted by law, as the President may specify.

SEC. 2. (a) The Director shall exercise immediate supervision and direction over the Mission.

(b) The Director may, to the extent permitted by law, employ such staff as may be necessary.

(c) The Director may, to the extent permitted by law and the provisions of this order, enter into such contracts as may be necessary to carry out the purposes of this order.

(d) The Director may procure the temporary or intermittent services of experts or consultants, in accordance with the provisions of Section 626 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2386), and section 3109 of title 5 of the United States Code.

(e) As requested by the Director, the agencies of the Executive branch shall, to the extent permitted by law and to the extent practicable, provide the Mission with such administrative services, information, advice, and facilities as may be necessary for the fulfillment of the Mission's functions under this order.

SEC. 3. (a) In accordance with the provisions of Section 633 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2393), it is hereby determined to be in furtherance of the purposes of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2151 et seq.], that the functions authorized by that act and required by this order, may be performed, subject to the provisions of subsection (b) of this Section, by the Director without regard to the following specified provisions of law and limitations of authority:

(1) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529).

(2) Section 3710 of the Revised Statutes (41 U.S.C. 8).

(3) Section 2 of Title III of the Act of March 3, 1933 (47 Stat. 1520, 41 U.S.C. 10a).

(4) Section 3735 of the Revised Statutes (41 U.S.C. 13).

(5) Section 3679 of the Revised Statutes, as amended (31 U.S.C. 665) Section 3732 of the Revised Statutes, as amended (41 U.S.C. 11), and Section 9 of the Act of June 30, 1906 (34 Stat. 764, 31 U.S.C. 627), so as to permit the indemnification of contractors against unusually hazardous risks, as defined in Mission contracts, consistent, to the extent practicable, with regulations prescribed by the Department of Defense pursuant to the provisions of the Act of August 28, 1958, as amended (50 U.S.C. 1431 *et seq.*) and Executive Order No. 10789 of November 14, 1958, as amended [set out as a note under section 1431 of Title 50, War and National Defense].

(6) Section 302(a) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252(a)), so as to permit the Sinai Support Mission to utilize the procurement regulations promulgated by the Department of Defense pursuant to Section 2202 of Title 10 of the United States Code.

(7) Section 304(b) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 254(b), so as to permit the payment of fees in excess of the prescribed fee limitations but nothing herein contained shall be construed to constitute authorization hereunder for the use of the cost-plus-a-percentage-of-cost system of contracting.

(8) Section 305 of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 255).

(9) Section 901(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(a)).

(b) It is directed that each specific use of the waivers of statutes and limitations of authority authorized by this Section shall be made only when determined in writing by the Director that such use is specifically necessary and in furtherance of the purposes of this Order and in the interests of the United States.

SEC. 4. (a) There is hereby established the Sinai Interagency Board, hereinafter referred to as the Board, which shall be composed of the following:

(1) The Secretary of State or his representative.

(2) The Secretary of Defense or his representative.

(3) The Administrator, Agency for International Development, or his representative.

(4) The Director of the United States Arms Control and Disarmament Agency or his representative.

(5) The Director of Central Intelligence or his representative.

(6) The Director of the United States Sinai Support Mission or his representative.

(b) The Director of the United States Sinai Support Mission or his representative shall be Chairman of the Board.

(c) The President may from time to time designate others to serve on, or participate in the activities of, the Board. The Board may invite representatives of other departments and agencies to participate in its activities.

(d) The Board shall meet at the call of the Chairman to assist, coordinate, and advise concerning the activities of the United States Sinai Support Mission.

SEC. 5. The Secretary of State shall, pursuant to the provisions of Executive Order No. 10973, as amended, including Part V thereof [formerly set out as a note under section 2381 of this title], and this order, provide from funds made available to the President the funds necessary for the activities of the United States Sinai Support Mission.

SEC. 6. All activities now being undertaken by the Secretary of State to implement the "United States Proposal for the Early Warning System in Sinai" shall be continued until such time as the Mission has become operational and the Director requests the transfer of those activities to the Mission. The Secretary of State may exercise any of the authority or responsibility vested in the Director, by this order, in order to continue the performance of activities related to the Early Warning System until transferred to the Director. All such activities undertaken by the Secretary of State shall be deemed to have been taken by the Director.

§ 2348a. Authorization of appropriations; availability of funds; emergency transfers of funds

(a) There is authorized to be appropriated to the President to carry out the purposes of this part, in addition to amounts otherwise available for such purposes, $21,100,000 for the fiscal year 1980.

(b) Amounts appropriated under this section are authorized to remain available until expended.

(c) If the President determines that, as the result of an unforeseen emergency, the provision of assistance under this part in amounts in excess of funds otherwise available for such assistance is important to the national interests of the United States, the President may exercise the authority of section 2360(a) of this title to transfer funds available to carry out part IV of this subchapter for use under this part without regard to the 20-percent increase limitation contained in such section, except that (1) the total amount so transferred in any fiscal year may not exceed $10,000,000, and (2) earmarked funds may not be transferred.

(Pub. L. 87-195, pt. II, § 552, as added Pub. L. 95-384, § 12(a), Sept. 26, 1978, 92 Stat. 736, and amended Pub. L. 96-92, § 10(a), (c), Oct. 29, 1979, 93 Stat. 705.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-92, § 10(a), substituted "$21,100,000 for the fiscal year 1980" for "$30,900,000 for the fiscal year 1979".

Subsec. (c). Pub. L. 96-92, § 10(c), added subsec. (c).

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this part were delegated to the Secretary of State and funds available to the President for carrying out this part were allocated to the Secretary by sections 1-201(a)(8) and 1-801(c) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2348b. Middle East special requirements fund; funding limitations and requirements

(a) Of the amount authorized to be appropriated to carry out this part for the fiscal year 1979, $3,500,000 may be used only for special requirements related to international peacekeeping in the Middle East.

(b) The President may obligate or expend funds under this section for a foreign country or international organization only if—

(1) he has transmitted to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations and the chairman of the Committee on Appropriations of the Senate a report setting forth—

(A) the name of such country or organization;

(B) the amount of such funds to be made available to such country or organization;

(C) the purpose for which such funds are to be made available to such country or organization; and

(D) the reasons why it is in the national interest to use funds under this section for such purpose rather than—

(i) using other available funds; or

(ii) if no other funds are available for such purpose, awaiting the enactment of legislation making funds specifically available for such purpose;

(2) a period of 30 calendar days has elapsed since the Congress received such report; and

(3) the Congress did not adopt, during such 30-day period, a concurrent resolution stating in substance that the Congress does not approve the proposed use of funds described in such report.

(Pub. L. 87-195, pt. II, § 553, as added Pub. L. 95-384, § 12(a), Sept. 26, 1978, 92 Stat. 736.)

DELEGATION OF FUNCTIONS

Functions of the President under this part were delegated to the Secretary of State by section 1-201(a)(8) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2348c. Administrative authorities

Except where expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include reference to this part and any reference in any law to subchapter II of this chapter shall be deemed to exclude reference to this part.

(Pub. L. 87-195, pt. II, § 554, as added Pub. L. 95-384, § 12(a), Sept. 26, 1978, 92 Stat. 737.)

PART VII—AIR BASE CONSTRUCTION IN ISRAEL [NEW]

§ 2349. General authority

The President is authorized—

(1) to construct such air bases in Israel for the Government of Israel as may be agreed upon between the Government of Israel and the Government of the United States to replace the Israeli air bases located at Etzion and Etam on the Sinai peninsula that are to be evacuated by the Government of Israel; and

(2) for purposes of such construction, to furnish as a grant to the Government of Israel, on such terms and conditions as the President may determine, defense articles and defense services, which he may acquire from any source, of a value not to exceed the amount appropriated pursuant to section 2349a(a) of this title.

(Pub. L. 87-195, pt. II, § 561, as added Pub. L. 96-35, § 3, July 20, 1979, 93 Stat. 89.)

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Secretary of Defense by section 1-301(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2349a. Authorization and utilization of funds

(a) Authorization of appropriation

There is authorized to be appropriated to the President to carry out this part not to exceed $800,000,000, which may be made available until expended.

(b) Presidential authority to incur obligations and enter into contracts

Upon agreement by the Government of Israel to provide to the Government of the United States funds equal to the difference between the amount required to complete the agreed construction work and the amount appropriated pursuant to subsection (a) of this section, and to make those funds available, in advance of the time when payments are due, in such amounts and at such times as may be required by the Government of the United States to meet those additional costs of construction, the President may incur obligations and enter into contracts to the extent necessary to complete the agreed construction work, except that this authority shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(c) Crediting of funds to proper appropriation account

Funds made available by the Government of Israel pursuant to subsection (b) of this section may be credited to the appropriation account established to carry out the purposes of this section for the payment of obligations incurred and for refund to the Government of Israel if they are unnecessary for that purpose, as determined by the President. Credits and the proceeds of guaranteed loans made available to the Government of Israel pursuant to the Arms Export Control Act [22 U.S.C. 2751 et seq.], as well as any other source of financing available to it, may be used by Israel to carry out its undertaking to provide such additional funds.

(Pub. L. 87-195, pt. II, § 562, as added Pub. L. 96-35, § 3, July 20, 1979, 93 Stat. 90.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (c), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated to the Secretary of Defense and funds available to the President for carrying out this subchapter, with specified exceptions, were allocated to the Secretary by sections 1-301(a) and 1-801(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2349 of this title.

§ 2349b. Waiver authorities

(a) Efficient and timely completion of authorized construction

It is the sense of the Congress that the President should take all necessary measures consistent with law to insure the efficient and timely completion of the construction authorized by this part, including the exercise of authority vested in him by section 2393(a) of this title.

(b) Use of funds to pay for personal services abroad

The provisions of paragraph (3) of section 2396(a) of this title shall be applicable to the use of funds available to carry out this part, except that no more than sixty persons may be engaged at any one time under that paragraph for purposes of this part.

(Pub. L. 87-195, pt. II, § 563, as added Pub. L. 96-35, § 3, July 20, 1979, 93 Stat. 90.)

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Secretary of Defense by section 1-301(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SUBCHAPTER III—GENERAL AND ADMINISTRATIVE PROVISIONS

PART I—GENERAL PROVISIONS

§ 2351. Encouragement of free enterprise and private participation

[See main edition for text of (a)]

(b) Action by President to facilitate participation to maximum extent

In order to encourage and facilitate participation by private enterprise to the maximum extent practicable in achieving any of the purposes of this chapter, the President shall—

[See main edition for text of (1) to (4)]

(5) to the maximum extent practicable carry out programs of assistance through private channels and to the extent practicable in conjunction with local private or governmental participation, including loans under the authority of section 2151t of this title to any individual, corporation, or other body of persons;

[See main edition for text of (6) to (8)]

(c) International Private Investment Advisory Council on Foreign Aid; establishment; composition; selection of members by Director; duration of service; Chairman; duties of Council; compensation; travel and other expenses; funds for payment of expenses of Council

(1) There is hereby established an International Private Investment Advisory Council on Foreign Aid to be composed of such number of leading American business specialists as may be selected, from time to time, by the Director of the United States International Development Cooperation Agency for the purpose of carrying out the provisions of this subsection. The members of the Council shall serve at the pleasure of the Director, who shall designate one member to serve as Chairman.

(2) It shall be the duty of the Council, at the request of the Director, to make recommendations to the Director with respect to particular aspects of programs and activities under this chapter where private enterprise can play a contributing role and to act as liaison for the Director to involve specific private enterprises in such programs and activities.

[See main edition for text of (3)]

(4) The expenses of the Advisory Council shall be paid by the Director from funds otherwise available under this chapter.

(d) Engineering and professional services of United States firms

It is the sense of Congress that the Director of the United States International Development Cooperation Agency should continue to encourage, to the maximum extent consistent with the national interest, the utilization of engineering and professional services of United States firms (including, but not limited to, any corporation, company, partnership, or other association) or by an affiliate of such United States firms in connection with capital projects financed by funds authorized under this chapter.

(e) Contracts on basis of competitive selection procedures

(1) The Congress finds that significantly greater effort must be made in carrying out programs under subchapter I of this chapter to award contracts on the basis of competitive selection procedures. All such contracts should be let on the basis of competitive selection procedures except in those limited cases in which the procurement regulations governing the agency primarily responsible for administering subchapter I of this chapter allow noncompetitive procedures to be used.

(2) In order to provide the Congress with information to assist it in assessing the efforts of the Director of the United States International Development Cooperation Agency to make the maximum possible use of competitive selection procedures, the Director of that agency—

(A) when submitting the congressional presentation materials for developing assistance for fiscal year 1980, shall also submit to the Congress a report identifying and describing each contract in an amount in excess of $100,000 which the Director entered into without competitive selection procedures during the period April 1, 1978, to September 30, 1978, and explaining why each such contract was not the subject of competitive selection procedures; and

(B) when submitting the congressional presentation materials for development assistance for fiscal year 1981, shall also submit to the Congress a report identifying and describing each contract in an amount in excess of $100,000 which the Director entered into without competitive selection procedures during the fiscal year 1979 and explaining why each such contract was not the subject of competitive selection procedures.

(As amended Pub. L. 95-424, title I, § 102(g)(2)(B), title V, § 501, Oct. 6, 1978, 92 Stat. 942, 956; 1979 Reorg. Plan No. 2, § 6(a)(1), (b)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346c

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b, 2346c), or to appropriate sections thereof. All references to sub-

chapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1978—Subsec. (b)(5). Pub. L. 95-424 substituted "section 2151t" for "section 2161".

Subsec. (e). Pub. L. 95-424 added subsec. (e).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

TRANSFER OF FUNCTIONS

In subsec. (c)(1), (2), and (4), "Director of the United States International Development Cooperation Agency" and "Director" were substituted for "Administrator of the Agency for International Development" and "Administrator", respectively; in subsec. (d), "Director of the United States International Development Cooperation Agency" was substituted for "Agency for International Development"; and in subsec. (e)(2), "Director of the United States International Development Cooperation Agency" and "Director" were substituted for "the Agency primarily responsible for administering subchapter I of this chapter" and "administrator" or "agency", respectively, by Reorg. Plan No. 2 of 1979, § 6(a)(1), (b)(1), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, as provided in Ex. Ord. No. 12163, § 1-101, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title, which transferred the functions and authorities vested in such agency or its administrator under subsecs. (a) to (d) and (e)(2) of this section to the Director.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under subsec. (b)(1) of this section, as they relate to drawing attention of private enterprise to opportunities for investment and development in less developed friendly countries and areas, were delegated to the Secretary of Commerce pursuant to section 1-502 of Ex. Ord. No. 12163.

Functions of the President under subsec. (b)(3), (4), and (6) of this section were delegated to the Secretary of State pursuant to section 1-201(a)(9) of Ex. Ord. No. 12163.

§ 2352. Small business

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter II of this chapter shall be deemed to exclude part VI of subchapter II, sections 2348 to 2348c, and reference in any law to subchapter I of this chapter shall be deemed to include such part. See section 2348c of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under subsec. (a) of this section, to the extent they relate to other functions under this chapter administered by the Department of Defense, were delegated to the Secretary of Defense by section 1-301(b) of Ex. Ord. No. 12163.

OFFICE IN AGENCY FOR INTERNATIONAL DEVELOPMENT

For location of the Office of Small Business, provided for in subsec. (b) of this section, in the Agency for International Development, see section 1-104 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

PROCUREMENTS FROM SMALL BUSINESSES

Pub. L. 94-329, title VI, § 602, June 30, 1976, 90 Stat. 766, provided that: "In order to encourage procurements from small business concerns under chapter 4 of the Foreign Assistance Act of 1961 [part IV of subchapter II of this chapter], the Administrator of the Agency for International Development [now Director of the United States International Development Cooperation Agency] shall report to the Congress every six months on the extent to which small businesses have participated in procurements under such chapter [part] and on what efforts the Agency has made to foster such procurements from small business concerns. The Small Business Administration shall lend all available assistance to the Agency for the purposes of carrying out this section."

[Functions vested in the agency primarily responsible for administering subchapter I of this chapter or in its Administrator by section 602 of Pub. L. 94-329 were transferred to the Director of the United States International Development Cooperation Agency by Reorg. Plan No. 2 of 1979, § 6(b)(2), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, pursuant to Ex. Ord. No. 12163, § 1-101, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title.]

§ 2354. Procurement

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with the exception of those relating to determinations under subsec. (a) of this section and certain other exceptions, by sections 1-102(a)(1), (g) and 1-701(d) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2355. Retention and use of certain items and funds

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States Inter-

national Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under subsec. (a) of this section, to the extent they relate to other functions under this chapter administered by the Department of Defense, were delegated to the Secretary of Defense by section 1-301(b) of Ex. Ord. No. 12163.

§ 2357. Furnishing of services and commodities

(a) Advance-of-funds or reimbursement basis

Whenever the President determines it to be consistent with and in furtherance of the purposes of subchapter I of this chapter and within the limitations of this chapter, any agency of the United States Government is authorized to furnish services and commodities on an advance-of-funds or reimbursement basis to friendly countries, international organizations, the American Red Cross, and voluntary nonprofit relief agencies registered with and approved by the Agency for International Development (including foreign voluntary nonprofit relief agencies so registered and approved when no United States voluntary nonprofit relief agency is available). Such advances or reimbursements may be credited to the currently applicable appropriation, account, or fund of the agency concerned and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used, under the following circumstances:

[*See main edition for text of (1) and (2)*]

(b) Agency contracts with individuals to perform services

When any agency of the United States Government provides services on an advance-of-funds or reimbursable basis under this section, such agency may contract with individuals for personal service abroad or in the United States to perform such services or to replace officers or employees of the United States Government who are assigned by the agency to provide such services. Such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Director of the Office of Personnel Management.

(c) Excess property

No Government-owned excess property shall be made available under this section, section 2358 of this title, or otherwise in furtherance of the purposes of subchapter I of this chapter, unless, before the shipment of such property for use in a specified country (or transfer, if the property is already in such country), the agency administering such subchapter I has approved such shipment (or transfer) and made a written determination—

(1) that there is a need for such property in the quantity requested and that such property is suitable for the purpose requested;

(2) as to the status and responsibility of the designated end-user and his ability effectively to use and maintain such property; and

(3) that the residual value, serviceability, and appearance of such property would not reflect unfavorably on the image of the United States and would justify the costs of packing, crating, handling, transportation, and other accessorial costs, and that the residual value at least equals the total of these costs.

(As amended Pub. L. 95-88, title I, § 122(a), Aug. 3, 1977, 91 Stat. 541; Pub. L. 95-424, title V, § 503, Oct. 6, 1978, 92 Stat. 959; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 96-53, title I, § 121, Aug. 14, 1979, 93 Stat. 366.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-53 substituted "Agency for International Development" for "Advisory Committee on Voluntary Foreign Aid".

1978—Subsec. (b). Pub. L. 95-424 added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 95-424 redesignated former subsec. (b) as (c).

1977—Subsec. (a). Pub. L. 95-88 added "(including foreign voluntary nonprofit relief agencies so registered and approved when no United States voluntary nonprofit relief agency is available)" following "and voluntary nonprofit relief agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid" in the provisions preceding par. (1).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

TRANSFER OF FUNCTIONS

"Director of the Office of Personnel Management" was substituted for "Civil Service Commission" pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in the United States Civil Service Commission to the Director of the Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency to be exercised in consultation with the Secretary of State, with certain exceptions, by sections 1-102(a)(1), (b), and (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

REGULATIONS GOVERNING REGISTRATION AND APPROVAL OF FOREIGN NONPROFIT RELIEF AGENCIES

Section 122(b) of Pub. L. 95-88 provided that: "For purposes of implementing the amendment made by

subsection (a) [amending this section], the President shall issue regulations governing registration with and approval by the Advisory Committee on Voluntary Foreign Aid of foreign voluntary nonprofit agencies."

§ 2358. Advance acquisition of property; special account for payment of costs; limitation; use of property; transfer of domestic excess property

(a) It is the sense of the Congress that in furnishing assistance under subchapter I of this chapter excess personal property shall be utilized wherever practicable in lieu of the procurement of new items for United States-assisted projects and programs. The President is authorized to maintain in a separate account, which shall, notwithstanding section 686–1 of title 31, be free from fiscal year limitation, $5,000,000 of funds made available under part I of subchapter I of this chapter, which may be used to pay costs (including personnel costs) of acquisition, storage, renovation and rehabilitation, packing, crating, handling, transportation, and related costs of property classified as domestic or foreign excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), or other property, in advance of known requirements therefor for use in furtherance of the purposes of subchapter I of this chapter: *Provided*, That the amount of property classified as domestic excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended, held at any one time pursuant to this section shall not exceed $15,000,000 in total original acquisition cost. Property acquired pursuant to the preceding sentence may be furnished (1) pursuant to any provision of subchapter I of this chapter for which funds are authorized for the furnishing of assistance, in which case the separate account established pursuant to this section shall be repaid from funds made available for such provision for all costs incurred, or (2) pursuant to section 2357 of this title, in which case such separate account shall be repaid in accordance with the provisions of that section for all costs incurred.

[*See main edition for text of* (b)]

(As amended Pub. L. 95–424, title I, § 102(g)(2)(C), Oct. 6, 1978, 92 Stat. 942.)

References to Subchapter I as Including Part VI of Subchapter II, Sections 2348 to 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

Amendments

1978—Subsec. (a). Pub. L. 95–424 substituted "part 1 of subchapter 1 of this chapter" for "section 2172 of this title".

Effective Date of 1978 Amendment

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

Delegation of Functions; Allocation of Funds

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1–102(a)(1), (g) and 1–801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2359. Special accounts; establishment by recipient countries; deposits; availability and utilization; disposition of unencumbered balances

Delegation of Functions; Allocation of Funds

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1–102(a)(1), (g) and 1–801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2360. Transfer of funds between accounts

[*See main edition for text of* (a)]

(b) Augmentation of other appropriations

The authority contained in this section and in sections 2261, 2318 and 2364 of this title, shall not be used to augment appropriations made available pursuant to sections 2396(g)(1) and 2397 of this title or used otherwise to finance activities which normally would be financed from appropriations for administrative expenses.

[*See main edition for text of* (c)]

(As amended Pub. L. 95–384, § 10(b)(2), Sept. 26, 1978, 92 Stat. 735.)

Amendments

1978—Subsec. (b). Pub. L. 95–384 struck out provisions authorizing transfer and consolidation of not to exceed $9,000,000 of the funds appropriated under section 2242 of this title with the funds appropriated under section 2397(a) of this title to be available solely for additional administrative expenses incurred in connection with programs in Vietnam.

Section Referred to in Other Sections

This section is referred to in sections 2151g, 2161, 2222, 2292n, 2312, 2348a, 2364, 2394, 2411 of this title.

§ 2361. Completion of plans and cost estimates

(a) Restriction on agreements or grants

No agreement or grant which constitutes an obligation of the United States Government in excess of $100,000 under section 200 of title 31 shall be made for any assistance authorized under part I of subchapter I of this chapter, subpart II of part II of subchapter I of this chapter, or part IV of subchapter II of this chapter—

[*See main edition for text of* (1) *and* (2)]

(b) Plans for water or related land resource construction projects; computation of benefits and costs

Plans required under subsection (a) of this section for any water or related land resource construction project or program shall include a computation of benefits and costs made insofar

as practicable in accordance with the procedures set forth in the Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973, with respect to such computations.

[*See main edition for text of* (c) *and* (d)]

(e) Certification of country capability to maintain and utilize projects as prerequisite to assistance for capital projects exceeding cost limitations

In addition to any other requirements of this section, no assistance authorized under part I of subchapter I of this chapter, subpart II of part II of subchapter I of this chapter, or part IV of subchapter II of this chapter shall be furnished with respect to any capital assistance project estimated to cost in excess of $1,000,000 until the head of the agency primarily responsible for administering subchapter I of the chapter has received and taken into consideration a certification from the principal officer of such agency in the country in which the project is located as to the capability of the country (both financial and human resources) to effectively maintain and utilize the project taking into account among other things the maintenance and utilization of projects in such country previously financed or assisted by the United States.

(As amended Pub. L. 95-424, title I, § 102(g)(2)(D), (E), Oct. 6, 1978, 92 Stat. 943; Pub. L. 96-53, title I, § 117, Aug. 14, 1979, 93 Stat. 365.)

AMENDMENTS

1979—Subsec. (b). Pub. L. 96-53 substituted "Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973" for "Memorandum of the President dated May 15, 1962".

1978—Subsec. (a). Pub. L. 95-424, § 102(g)(2)(D), substituted "part I of subchapter I of this chapter, subpart II of part II of subchapter I of this chapter, or part IV of subchapter II of this chapter" for "subparts I, II, and VI of part II and part IV of subchapter I of this chapter".

Subsec. (e). Pub. L. 95-424, § 102(g)(2)(E), substituted "part I of subchapter I of this chapter, subpart II of part II of subchapter I of this chapter, or part IV of subchapter II of this chapter" for "subparts I, II, or VI of part II or part IV of subchapter I of this chapter".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2362. Use of foreign currencies

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under the second sentence of subsec. (a) of this section in relation to the determination of excess foreign currencies were delegated to the Secretary of the Treasury, pursuant to section 1-501(a)(3) of Ex. Ord. No. 12163.

§ 2364. Special authorities

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (b) of this section, except the function of determining which provisions of law should be disregarded, were delegated to the Secretary of State by section 1-201(a)(10) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151g, 2161, 2222, 2312, 2314, 2360, 2394, 2411, 2413 of this title.

§ 2366. Availability of funds

ALLOCATION OF FUNDS

Funds available to the President for carrying out this chapter, with specified exceptions, were allocated to the Director of the United States International Development Cooperation Agency by section 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2367. Termination of assistance; availability of funds for winding up programs

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under this section, insofar as they relate to part VIII of subchapter I of this chapter (§ 2291 et seq. of this title) and subchapter II of this chapter (§ 2301 et seq. of this title) other than part IV thereof (§ 2346 et seq. of this title) were delegated to the Secretary of State pursuant to section 1-201(a)(16) of Ex. Ord. No. 12163.

§§ 2368, 2369. Repealed. Pub. L. 95-424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section 2368, Pub. L. 87-195, pt. III, § 618, as added Pub. L. 87-565, pt. III, § 301(c), Aug. 1, 1962, 76 Stat. 260, related to the payment to the United States regarding the Settlement of Postwar Economic Assistance to Japan.

A prior section 618 of Pub. L. 87-195, pt. III, Sept. 4, 1961, 75 Stat. 444, relating to economic assistance to Latin America, was repealed by Pub. L. 87-565, pt. III, § 301(c), Aug. 1, 1962, 76 Stat. 260.

Section 2369, Pub. L. 87-195, pt. III, § 619, Sept. 4, 1961, 75 Stat. 444, related to assistance to newly independent countries.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2370. Prohibitions against furnishing assistance

(a) Cuba; embargo on all trade

(1) No assistance shall be furnished under this chapter to the present government of Cuba. As an additional means of implementing and carrying into effect the policy of the preceding sentence, the President is authorized to establish and maintain a total embargo upon all trade between the United States and Cuba.

[See main edition for text of (2)]

(3) Repealed. Pub. L. 95–88, title I, § 123(a)(2), Aug. 3, 1977, 91 Stat. 541.

[See main edition for text of (b) and (c)]

(d) Productive enterprises competing with United States enterprise; conditions on assistance; import controls; waiver of restriction by President

No assistance shall be furnished on a loan basis under part I of subchapter I of this chapter for construction or operation of any productive enterprise in any country where such enterprise will compete with United States enterprise unless such country has agreed that it will establish appropriate procedures to prevent the exportation for use or consumption in the United States of more than twenty per centum of the annual production of such facility during the life of the loan. In case of failure to implement such agreement by the other contracting party, the President is authorized to establish necessary import controls to effectuate the agreement. The restrictions imposed by or pursuant to this subsection may be waived by the President where he determines that such waiver is in the national security interest.

[See main edition for text of (e) to (k)]

(l) Institution of investment guaranty program

The President shall consider denying assistance under this chapter to the government of any less developed country which, after December 31, 1966, has failed to enter into an agreement with the President to institute the investment guaranty program under section 2194(a)(1) of this title, providing protection against the specific risks of inconvertibility under subparagraph (A), and expropriation or confiscation under subparagraph (B), of such section 2194(a)(1).

[See main edition for text of (m)]

(n) Repealed. Pub. L. 95–88, title I, § 123(b), Aug. 3, 1977, 91 Stat. 541

[See main edition for text of (o) to (v)]

(w) Repealed. Pub. L. 95–424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959

(x) Suspension of military assistance to Turkey

(1) All military assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Turkey, shall be suspended on December 30, 1974, unless and until the President determines and certifies to the Congress that the Government of Turkey is in compliance with this chapter, the Foreign Military Sales Act [22 U.S.C. 2751 et seq.], and any agreement entered into under such Acts, and that substantial progress toward agreement has been made regarding military forces in Cyprus: *Provided*, That for the fiscal year 1978 the President may suspend the provisions of this subsection and of section 3(c) of the Arms Export Control Act [22 U.S.C. 2753(c)] with respect to cash sales and extensions of credits and guaranties under such Act for the procurement of such defense articles and defense services as the President determines are necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization, except that during the fiscal year 1978 the total value of defense articles and defense services sold to Turkey under such Act, either for cash or financed by credits and guaranties, shall not exceed $175,000,000. Any such suspension shall be effective only so long as Turkey observes the cease-fire on Cyprus, does not increase its military forces or its civilian population on Cyprus, and does not transfer to Cyprus any United States supplied arms, ammunition, or implements of war. The determination required by the proviso in the first sentence of this paragraph shall be made, on a case-by-case basis, with respect to each cash sale, each approval for use of credits, and each approval for use of a guaranty for Turkey. Each such determination shall be reported to the Congress and shall be accompanied by a full and complete statement of the reasons supporting the President's determination and a statement containing the information specified in clauses (A) through (D) of section 2(c)(4) of the act of October 6, 1975 (Public Law 94–104). In any case involving the sale of significant combat equipment on the United States Munitions List in which the congressional review provisions of section 36(b) of the Arms Export Control Act [22 U.S.C. 2776(b)] do not apply, the President may not issue the letter of offer or approve the use of the credits or guaranty, as the case may be, until the end of the thirty-day period beginning on the date on which the report required by the preceding sentence is submitted to the Congress.

[See main edition for text of (2)]

(As amended Pub. L. 95–88, title I, § 123(a), (b), Aug. 3, 1977, 91 Stat. 541; Pub. L. 95–92, § 22(d), Aug. 4, 1977, 91 Stat. 624; Pub. L. 95–424, title I, §§ 102(g)(2)(F), 115(k), title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 943, 952, 959.)

AMENDMENTS

1978—Subsec. (d). Pub. L. 95–424, § 102(g)(2)(F), substituted "on a loan basis under part I of subchapter I of this chapter" for "under section 2161 of this title".

Subsec. (l). Pub. L. 95–424, § 115(k), substituted "2194(a)(1)" for "2181(b)(1)" in two places.

Subsec. (w). Pub. L. 95–424, § 502(d)(1), struck out subsec. (w), relating to suspension and future resumption of military, economic, etc., assistance to the Government of Pakistan.

1977—Subsec. (a)(1). Pub. L. 95–88, § 123(a)(1), struck out provision that no assistance be furnished to any

country which furnished assistance to the government of Cuba unless the President determined that assistance to the supplying country was in the national interest of the United States.

Subsec. (a)(3). Pub. L. 95–88, § 123(a)(2), struck out subsec. (a)(3), which had directed that no funds be used to furnish assistance to countries which had not taken steps to prevent ships or aircraft of their registry from transporting equipment, materials, or commodities to Cuba.

Subsec. (n). Pub. L. 95–88, § 123(b), struck out subsec. (n), which had prohibited the giving of aid to countries that sold or furnished to North Vietnam, or permitted their ships or aircraft to carry to or from North Vietnam, equipment, materials, or commodities, unless the President determined that the giving of aid was in the national interest.

Subsec. (x)(1). Pub. L. 95–92 substituted "1978" for "1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal year 1977," and provisions authorizing $175,000,000 during the fiscal year 1978 for Turkey as the total value of defense articles and services sold to such country, for provisions authorizing $125,000,000 during the fiscal year 1976, and the period beginning July 1, 1976, and ending Sept. 30, 1976, and $125,000,000 during the fiscal year 1977 for Turkey as the total value of defense articles and services sold to such country.

Effective Date of 1978 Amendment

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

Delegation of Functions

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with the exception of subsecs. (a), (d), and (x) of this section and certain other exceptions, by sections 1-102(a)(1), (g) and 1-701(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under subsecs. (b), (c), (e) to (g), (i), (j), (q), and (s) of this section were delegated to the Secretary of State with those under subsecs. (e), (g), (i), (j), (q), and (s) to be exercised in consultation with the Director of the United States International Development Cooperation Agency by section 1-201(a)(11), (b) of Ex. Ord. No. 12163.

Presidential Review of United States Diplomatic and Economic Relations with Cuba

Pub. L. 95–426, title VI, § 613, Oct. 7, 1978, 92 Stat. 990, provided that it was the sense of the Congress that the President should undertake a comprehensive review of United States diplomatic and economic relations with Cuba and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report based on such review not later than January 20, 1979.

Resumption of Military Assistance to Turkey; Determination and Certification to Congress by President of Military Cooperation as in Best Interests of United States and NATO

Pub. L. 95–384, § 13(a), Sept. 26, 1978, 92 Stat. 737, provided that: "Section 620(x) of the Foreign Assistance Act of 1961 [subsec. (x) of this section] shall be of no further force and effect upon the President's determination and certification to the Congress that the resumption of full military cooperation with Turkey is in the national interest of the United States and in the interest of the North Atlantic Treaty Organization and that the Government of Turkey is acting in good faith to achieve a just and peaceful settlement of the Cyprus problem, the early peaceable return of refugees to their homes and properties, and continued removal of Turkish military troops from Cyprus in the context of a solution to the Cyprus problem, and the early serious resumption of inter-communal talks aimed at a just, negotiated settlement."

Determination and Certification Regarding Resumption of Full Military Cooperation With Turkey

Memorandum of the President of the United States, dated Sept. 26, 1978, provided:

Pursuant to the authority vested in me by Section 13(a) of the International Security Assistance Act of 1978, I hereby determine and certify:

(1) that the resumption of full military cooperation with Turkey is in the national interest of the United States and in the interest of the North Atlantic Treaty Organization; and

(2) that the Government of Turkey is acting in good faith to achieve a just and peaceful settlement of the Cyprus problem, the early peaceable return of refugees to their homes and properties, and continued removal of Turkish military troops from Cyprus in the context of a solution to the Cyprus problem, and the early serious resumption of inter-communal talks aimed at a just, negotiated settlement.

You are requested on my behalf to report this determination and certification to the Congress.

This determination and certification shall be published in the Federal Register.

Jimmy Carter.

Limitations on Economic Assistance, Military Assistance, Sales, and Sales Credits for Chile

Pub. L. 94-329, title IV, § 406, June 30, 1976, 90 Stat. 758, as amended by Pub. L. 95–384, §§ 10(b)(5), 12(c)(5), Sept. 26, 1978, 92 Stat. 735, 737, provided that:

"(a)(1) No military assistance, no assistance under chapter 4 of part II [part IV of subchapter II of this chapter], no assistance under chapter 6 of part II [part VI of subchapter II of this chapter], and no military education and training may be furnished under the Foreign Assistance Act of 1961 [this chapter] for Chile; and no credits (including participations in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act [section 2751 et seq. of this title] with respect to Chile. No deliveries of any such assistance, credits, or guaranties may be made to Chile on or after the date of enactment of this section [June 30, 1976].

[See main edition for text of (2) and (b)]

Restrictions on Assistance During Fiscal Year 1978 Involving Military or Paramilitary Operations in Zaire

Section 25 of Pub. L. 95–92 provided that:

"No assistance of any kind may be furnished for the fiscal year 1978 for the purpose, or which would have the effect, or promoting or augmenting, directly or indirectly, any military or paramilitary operations in Zaire unless and until the President determines that such assistance should be furnished in the national security interests of the United States and submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

"(1) a detailed description of the assistance proposed to be furnished, including the amounts of such assistance, the categories and specific kinds of assistance proposed, and the purposes for which such assistance will be used; and

"(2) a certification that the President has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement, in unclassified form, of the reasons supporting such determination."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 283*l*, 2151v, 2293, 2312, 2373, 2878 of this title; title 7 section 1736d; title 12 section 635; title 50 App. sections 2410, 2416.

§ 2372. Prohibition against assistance and sales to Argentina

After September 30, 1978—

(1) no assistance may be furnished under part II, IV, V, or VI of subchapter II of this chapter to Argentina;

(2) no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act [22 U.S.C. 2751 et seq.] with respect to Argentina;

(3) no sales of defense articles or services may be made under the Arms Export Control Act to Argentina; and

(4) no export licenses may be issued under section 38 of the Arms Export Control Act [22 U.S.C. 2778] to or for the Government of Argentina.

(Pub. L. 87-195, pt. III, § 620B, as added Pub. L. 95-92, § 11, Aug. 4, 1977, 91 Stat. 619, and amended Pub. L. 95-384, § 12(c)(1), Sept. 26, 1978, 92 Stat. 737.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in pars. (2), (3), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

AMENDMENTS

1978—Pub. L. 95-384, in par. (1), substituted "part II, IV, V, or VI of subchapter II of this chapter" for "part 2, 4, or 5 of subchapter II of this chapter".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2372a of this title.

§ 2372a. Renewal, reissuance, etc., of export licenses to or for Argentina

Any export license referred to in section 2372 of this title which is issued initially on or before September 30, 1978 may from time to time thereafter be renewed, reissued or modified (or in the event of lapse of such license, replacement licenses may be issued), provided that any such renewal, reissuance or modification (or any such replacement license) does not change significantly any such license as initially issued.

(Pub. L. 95-240, title II, § 210, Mar. 7, 1978, 92 Stat. 118.)

REFERENCES IN TEXT

"Section 2372 of this title", referred to in text, read in the original, "Section 11 of Public Law 95-92" meaning section 11, Pub. L. 95-92, Aug. 4, 1977, 91 Stat. 619, which added section 620B of Pub. L. 87-195. Section 620B of Pub. L. 87-195 is classified to section 2372 of this title.

CODIFICATION

Section was enacted as part of the Supplemental Appropriations Act, 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2373. Eastern Mediterranean policy requirements

(a) Congressional declaration and statement of findings

The Congress declares that the achievement of a just and lasting Cyprus settlement is and will remain a central objective of United States foreign policy. The Congress further declares that any action of the United States with respect to section 2370(x) of this title shall not signify a lessening of the United States commitment to a just solution to the conflict on Cyprus but is authorized in the expectation that this action will be conducive to achievement of a Cyprus solution and a general improvement in relations among Greece, Turkey, and Cyprus and between those countries and the United States. The Congress finds that—

(1) a just settlement on Cyprus must involve the establishment of a free and independent government on Cyprus and must guarantee that the human rights of all of the people of Cyprus are fully protected;

(2) a just settlement on Cyprus must include the withdrawal of Turkish military forces from Cyprus;

(3) the guidelines for inter-communal talks agreed to in Nicosia in February 1977 and the United Nations resolutions regarding Cyprus provide a sound basis for negotiation of a just settlement on Cyprus;

(4) serious negotiations, under United Nations auspices, will be necessary to achieve agreement on, and implementation of, constitutional and territorial terms within such guidelines; and

(5) the recent proposals by both Cypriot communities regarding the return of the refugees to the city of New Famagusta (Varosha) constitute a positive step and the United States should actively support the efforts of the Secretary General of the United Nations with respect to this issue.

(b) Governing principles

United States policy regarding Cyprus, Greece, and Turkey shall be directed toward the restoration of a stable and peaceful atmosphere in the Eastern Mediterranean region and shall therefore be governed by the following principles:

(1) The United States shall actively support the resolution of differences through negotiations and internationally established peaceful procedures, shall encourage all parties to avoid provocative actions, and shall strongly oppose any attempt to resolve disputes through force or threat of force.

(2) The United States will accord full support and high priority to efforts, particularly those of the United Nations, to bring about a prompt, peaceful settlement on Cyprus.

(3) All defense articles furnished by the United States to countries in the Eastern Mediterranean region will be used only in accordance with the requirements of this chapter, the Arms Export Control Act [22 U.S.C. 2751 et seq.], and the agreements under which those defense articles were furnished.

(4) The United States will furnish security assistance for Greece and Turkey only when

furnishing that assistance is intended solely for defensive purposes, including when necessary to enable the recipient country to fulfill its responsibilities as a member of the North Atlantic Treaty Organization, and shall be designed to ensure that the present balance of military strength among countries of the region, including between Greece and Turkey, is preserved. Nothing in this paragraph shall be construed to prohibit the transfer of defense articles to Greece or Turkey for legitimate self defense or to enable Greece or Turkey to fulfill their North Atlantic Treaty Organization obligations.

(5) The United States shall use its influence to ensure the continuation of the ceasefire on Cyprus until an equitable negotiated settlement is reached.

(6) The United States shall use its influence to achieve the withdrawal of Turkish military forces from Cyprus in the context of a solution to the Cyprus problem.

(c) Review of policy; report to Congress

Because progress toward a Cyprus settlement is a high priority of United States policy in the Eastern Mediterranean, the President and the Congress shall continually review that progress and shall determine United States policy in the region accordingly. To facilitate such a review the President shall, within 60 days after the date of enactment of this section and at the end of each succeeding 60-day period, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on progress made toward the conclusion of a negotiated solution of the Cyprus problem. Such transmissions shall include any relevant reports prepared by the Secretary General of the United Nations for the Security Council.

(d) Certification by President to Congress of assistance to Greece and Turkey

In order to ensure that United States assistance is furnished consistent with the policies established in this section, the President shall, whenever requesting any funds for security assistance under this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] for Greece and Turkey, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate his certification, with a full explanation thereof, that the furnishing of such assistance will be consistent with the principles set forth in subsection (b). The President shall also submit such a certification with any notification to the Congress, pursuant to section 36(b) of the Arms Export Control Act [22 U.S.C. 2776(b)], of a proposed sale of defense articles or services to Greece or Turkey.

(Pub. L. 87-195, pt. III, § 620C, as added Pub. L. 95-384, § 13(b), Sept. 26, 1978, 92 Stat. 737.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(3) and (d), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in subsecs. (b)(3) and (d), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (d) of this section were delegated to the Secretary of State by section 1-201(a)(12) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2374. Prohibition on assistance to Afghanistan; conditions for assistance

(a) None of the funds authorized to be appropriated under this chapter may be used to furnish assistance to Afghanistan nor may funds authorized to be appropriated under this chapter before October 1, 1979, be expended for assistance to Afghanistan until the President certifies to the Congress that—

(1) the Government of Afghanistan has apologized officially and assumes responsibility for the death of Ambassador Adolph Dubs; and

(2) the Government of Afghanistan agrees to provide adequate protection for all personnel of the United States Government in Afghanistan.

(b) The provisions of subsection (a) of this section shall not apply if the President determines that such assistance is in the national interest of the United States because of substantially changed circumstances in Afghanistan.

(Pub. L. 87-195, pt. III, § 620D, as added Pub. L. 96-53, title V, § 505, Aug. 14, 1979, 93 Stat. 378.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

PART II—ADMINISTRATIVE PROVISIONS

§ 2381. Exercise of functions

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title, which delegated functions of the President under subsec. (b) of this section to the Overseas Private Investment Corporation, was revoked by section 1-903(a)(2) of Ex. Ord. No. 12163, Sept. 27, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out as a note below.

REORGANIZATION PLAN NO. 2 OF 1979

44 F.R. 41165, 93 Stat. 1378

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 10, 1979, pursuant to the provisions of chapter 9 of title 5 of the United States Code.[1]

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

SECTION 1. ESTABLISHMENT OF THE UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

There is hereby established in the executive branch an independent agency to be known as the United States International Development Cooperation Agency (hereinafter referred to as the "Agency").

SEC. 2. DIRECTOR

The Agency shall be headed by the Director of the United States International Development Cooperation Agency (hereinafter referred to as the "Director"), who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate prescribed by law for Level II of the Executive Schedule [5 U.S.C. 5315]. The Director shall have primary responsibility for establishing overall development assistance policy and coordinating international development activities supported by the United States. The Director shall serve as the principal advisor to the President and the Secretary of State on international development matters and also shall advise the President on all trade, science and technology, and other matters significantly affecting the developing nations. The Director shall report to the President and, on matters relating to foreign policy, to the Secretary of State. The Director shall designate the order in which other officials shall act for and exercise the powers of the Director during the absence or disability of the Director and the Deputy Director or in the event of vacancies in both such offices.

SEC. 3. DEPUTY DIRECTOR

The President, by and with the advice and consent of the Senate, may appoint a Deputy Director of the Agency, who shall receive compensation at the rate prescribed by law for Level III of the Executive Schedule [5 U.S.C. 5314]. The Deputy Director shall perform such duties and exercise such powers as the Director may from time to time prescribe and, in addition, shall act for and exercise the powers of the Director during the absence or disability of the Director or during a vacancy in such office.

SEC. 4. ASSOCIATE DIRECTORS

The President, by and with the advice and consent of the Senate, may appoint two Associate Directors of the Agency, who shall perform such duties and exercise such powers as the Director may from time to time prescribe and who shall receive compensation at the rate prescribed by law for Level IV of the Executive Schedule [5 U.S.C. 5315].

SEC. 5. PERFORMANCE OF FUNCTIONS

The Director may from time to time establish, alter, consolidate, or discontinue organizational units within the Agency (other than units expressly established by statute or reorganization plan). The Director may from time to time delegate responsibility for carrying out any function or authority of the Director of the Agency to any officer, employee, or unit of the Agency, or any other officer or agency of the executive branch.

[1] As amended May 21, 1979.

SEC. 6. TRANSFERS OF FUNCTIONS

(a) There are hereby transferred to the Director all functions and authorities vested in the Agency for International Development or in its administrator pursuant to the following:

(1) sections 233(b), 239(i), 296(e), 297(d), 298(c)(6), 299(d), 601(a) through (d), and 624(f)(2)(C) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2193(b), 2199(i), 2220a(e), 2220b(d), 2220c(c)(6), 2220d(d), 2351(a) through (d), and 2384(f)(2)(C));

(2) section 407 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1736a); and

(3) section 706 of the Foreign Relations Authorization Act, Fiscal Year 1979 (49 U.S.C. 1518).

(b) There are hereby transferred to the Director all functions and authorities vested in the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2151 et seq.], or in its Administrator pursuant to the following:

(1) sections 101(b), 119, 125, 531(a)(2), 601(e)(2), and 640B of such Act (22 U.S.C. 2151(b), 2151q, 2151w, 2346(a)(2), 2351(e)(2), and 2399c); and

(2) section 602 of the International Security Assistance and Arms Control Act of 1976 (22 U.S.C. 2352 note).

(c) There are hereby transferred to the Director all functions and authorities vested in the Secretary of State pursuant to the following:

(1) section 101(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151(b)), insofar as it relates to policy guidance other than foreign policy guidance, and section 622(c) of such Act (22 U.S.C. 2382(c)), insofar as it relates to development assistance; and

(2) section 901 of Public Law 95-118 (22 U.S.C. 262g).

SEC. 7. ABOLITION

One of the positions that the President may appoint under section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a), 5 U.S.C. 5315(5)) is hereby abolished.

SEC. 8. OTHER TRANSFERS; INTERIM OFFICERS

(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the functions and authorities affected by the establishment of the Agency, as the Director of the Office of Management and Budget shall determine, shall be transferred to the appropriate agency or component at such time or times as the Director of the Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made. The Director of the Office of Management and Budget shall provide for terminating the affairs of any agency abolished herein and for such further measures and dispositions as such Director deems necessary to effectuate the purposes of this reorganization plan.

(b) Pending the initial appointment of the Director, Deputy Director, and Associate Directors of the Agency, their functions and authorities may be performed, for up to 60 days after section 1 of this reorganization plan becomes effective [Oct. 1, 1979], by such individuals as the President may designate. Any individual so designated shall be compensated at the rate provided herein for the position whose functions and authorities such individual performs.

SEC. 9. EFFECTIVE DATE

This reorganization plan shall become effective on July 1, 1980, or at such earlier time or times as the President shall specify, but not sooner than the earli-

est time allowable under section 906 of title 5 of the United States Code.

[Sections 1, 5, 6, and 8 of Reorg. Plan No. 2 of 1979 were effective Oct. 1, 1979, pursuant to Ex. Ord. No. 12163, § 1-101, Sept. 29, 1979, 44 F.R. 56673, set out as a note below.]

[Sections 2, 3, and 4 of Reorg. Plan No. 2 of 1979 were effective July 19, 1979, pursuant to Ex. Ord. No. 12147, July 19, 1979, 44 F.R. 42957, set out as a note below.]

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 2 of 1979, to consolidate certain foreign assistance activities of the United States Government. I am acting under the authority vested in me by the Reorganization Act, chapter 9 of title 5 of the United States Code, and pursuant to title III of the International Development and Food Assistance Act of 1978 [set out as a note captioned "Coordination and Administration of Development-Related Programs and Policies of the United States" under section 2151 of this title], which requires that I report to the Congress my decisions on reorganization in this area. The purposes of this reorganization are to make more coherent our economic policies and programs affecting the developing nations and to improve the effectiveness of United States foreign development activities.

This Nation is committed—not only in the interest of the people of developing countries, but in our own interest as well—to help those countries in their efforts to achieve better lives for their citizens. To this end, we conduct a number of bilateral development assistance programs, participate in a number of multilateral development assistance programs, and engage in a variety of other economic activities that affect developing countries.

When this Administration took office, United States support of international development suffered from four major problems. First, no single U.S. official was charged with responsibility for establishing a comprehensive and coherent strategy for our Nation's efforts in this field. Second, no agency or official had the authority to ensure that the various U.S. programs affecting development were consistent with each other or complemented the programs of the multilateral organizations to which we contribute. Third, none of the agency heads testifying before the Congress about his particular portion of our foreign assistance efforts was able to speak authoritatively for the program as a whole or for the Administration's overall development policies and priorities. Finally, because there was no authoritative spokesperson, developmental concerns were at times accorded insufficient weight in executive branch decision-making on trade, monetary, and other non-aid economic issues that affect developing nations.

Just before his death a year ago, Senator Hubert H. Humphrey prepared a bill intended to solve these problems. Congressman Clement Zablocki introduced a similar measure in the House. Although the Congress took no action last year on the organizational provisions of the Humphrey-Zablocki bill, it directed me, in title III of the 1978 development assistance authorization act, to institute a strengthened system of coordination of U.S. economic policies affecting the developing countries, and urged me to create an agency with primary responsibility for coordination of international development-related activities.

In response to the Humphrey-Zablocki bill and the Administration's own analyses, I took a number of steps last year to strengthen aid coordination and improve the effectiveness of our development assistance programs. The Reorganization Plan transmitted with this message continues that process. It will provide stronger direction of U.S. policies toward the developing world, ensure a more coherent development strategy, promote the more effective use of the various U.S. bilateral instruments by which the U.S. can encourage economic and social progress in developing countries, and ensure that U.S. bilateral programs and the multilateral programs to which we contribute better complement each other.

This reorganization would create a new agency, to be known as the International Development Cooperation Agency (IDCA). IDCA would become a focal point within the U.S. Government for economic matters affecting U.S. relations with developing countries. Subject to guidance concerning the foreign policy of the United States from the Secretary of State, the IDCA Director would be the principal international development advisor to the President and to the Secretary of State. The Director would replace the AID Administrator in chairing the Development Coordination Committee. The IDCA Director would make recommendations to me concerning the appointment and tenure of senior officials of each component of IDCA, and would establish and control the budgets and policies of the Agency for International Development and the bilateral foreign assistance programs it administers, and of the Institute For Technological Cooperation, proposed in legislation transmitted to the Congress on February 26, 1979, which would support research and technological innovation to reduce obstacles to economic development.

The Overseas Private Investment Corporation, which insures and guarantees U.S. private investments in developing countries against certain hazards, would also be a component of IDCA, but OPIC's Board of Directors, which the IDCA Director would chair, would continue to set OPIC policy.

Each of these agencies would retain its individual identity and substantial day-to-day operating autonomy. A principal responsibility of the IDCA Director—who would be supported by a small staff—would be the achievement of consistency and balance among the policies, major programs, and budgets of the component agencies.

To help insure that U.S. bilateral efforts and the programs of major multilateral development institutions better complement each other, the IDCA Director would participate in the selection of U.S. Executive Directors of multilateral development banks (World Bank Group, Inter-American Development Bank, Asian Development Bank and African Development Fund), and would advise these Executive Directors on development policy and proposed projects and programs. Additionally, IDCA would assume lead responsibility for budget support and policy concerning United States participation in those organizations and programs of the United Nations and the Organization of American States whose purpose is primarily developmental. These are the UN Development Program, UNICEF, the Organization of American States Technical Assistance Funds, the UN Capital Development Fund, the UN Educational and Training Program for Southern Africa, the UN/Food and Agriculture Organization (FAO) World Food Program, the FAO Post-Harvest Losses Fund, and the UN Disaster Relief Organization.

The IDCA Director would be responsible for insuring that development goals are taken fully into account in all executive branch decision-making on trade, technology, and other economic policy issues affecting the less developed nations, and would submit an annual development policy statement to the Congress. The Director would also prepare a comprehensive foreign assistance budget, which he would submit to the Office of Management and Budget after consulting with the Secretary of State, and would lead the Administration's presentation of that budget to the Congress.

When IDCA is established, I intend to delegate to it the principal authority for the bilateral development assistance program administered by AID (now vested in me by law, delegated to the Secretary of State, and redelegated to the Administrator of AID). Certain functions vested in me under the Foreign Assistance Act will continue to be delegated to the Secretary of

State, Secretary of the Treasury, Secretary of Defense, or elsewhere; but most functions relating to the assistance program will be delegated directly to the IDCA Director, who will in turn redelegate these functions, as appropriate, to the Administrator of AID. I also intend to delegate to the Director of IDCA authority proposed to be vested in me to establish an Institute For Technological Cooperation; the IDCA Director would redelegate these functions, as appropriate, to IFTC.

The reorganization would increase program effectiveness through improved coordination, as requested in the 1978 authorization act. I estimate that it would achieve that goal with no increase in expenditures or personnel. After investigation, I have found that this reorganization is necessary to carry out the policy set forth in section 901(a) of title 5 of the United States Code. This plan abolishes one of the statutory officers that the President may appoint under section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)). No statutory functions are abolished by the plan. The provisions in this plan for the appointment and pay of the Director, Deputy Director, and Associate Directors of IDCA have been found by me to be necessary by reason of the reorganization and are at rates applicable to comparable officers in the executive branch.

This proposal constitutes the first major restructuring of the U.S. foreign aid program since the creation of the Agency for International Development in 1961. It will provide the United States with governmental machinery far better able to fulfill our commitment to assist people in developing countries to eliminate hunger, poverty, illness and ignorance. It responds to the mandate of the Congress. Let us work together to insure its successful and effective implementation.

JIMMY CARTER.

THE WHITE HOUSE, April 10, 1979.

EXECUTIVE ORDER NO. 10973

Ex. Ord. No. 10973, Nov. 6, 1961, 26 F.R. 10469, as amended, formerly set out as a note under this section, which related to the administration of foreign assistance and related functions, was revoked by Ex. Ord. No. 12163, § 1-903(a)(1), Sept. 29, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out as a note below.

EX. ORD. NO. 12147. EFFECTIVE DATE OF CERTAIN SECTIONS OF REORGANIZATION PLAN NO. 2 OF 1979 RESPECTING UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Ex. Ord. No. 12147, July 19, 1979, 44 F.R. 42957, provided:

By the authority vested in me as President of the United States of America by Section 9 of Reorganization Plan No. 2 of 1979 [set out as a note above], both Houses of Congress having defeated a resolution of disapproval (S. Res. 140, 125 Cong. Rec. S. 8829 (July 9, 1979); H. Res. 231, 125 Cong. Rec. H. 5729 (July 11, 1979)), it is hereby ordered that Sections 2, 3, and 4 of that Plan, providing for the offices of Director, Deputy Director, and Associate Directors, are effective immediately.

JIMMY CARTER.

EX. ORD. NO. 12163. ADMINISTRATION OF FOREIGN ASSISTANCE AND RELATED FUNCTIONS

Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, provided:

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 [this chapter], Reorganization Plan No. 2 of 1979 [set out as a note above], the International Development Cooperation Act of 1979 [see Short Title of 1979 Amendment note set out under section 2151 of this title], and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

1-1. UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

1-101. *Establishment of the United States International Development Cooperation Agency.* Sections 1, 5, 6, and 8 of Reorganization Plan No. 2 of 1979 [set out as a note above] are declared effective and the United States International Development Cooperation Agency (hereinafter referred to as "IDCA") is hereby established.

1-102. *Delegation of Functions.* (a) Exclusive of the functions otherwise delegated, or reserved to the President, by this order, and subject to the provisions of this order, there are hereby delegated to the Director of IDCA (hereinafter referred to as the "Director") all functions conferred upon the President by:

(1) the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); (hereinafter referred to as the "Act");

(2) the latin American Development Act (22 U.S.C. 1942 et seq.);

(3) section 402 of the Mutual Security Act of 1954 (22 U.S.C. 1922);

(4) section 413(b) of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2431 [note]); and

(5) title IV of the International Development Cooperation Act of 1979 (22 U.S.C. 3501 et seq.) (hereinafter referred to as the "IDC Act of 1979").

(b) The functions under sections 116(e), 491(b), 491(c), 607, 627, 628, 630(3), and 666 of the Act, [22 U.S.C. 2151n(e), 2292(b), (c), 2357, 2387, 2388, 2390(3), and 2426], and section 403(e) of the IDC Act of 1979 [22 U.S.C. 3503(e)], delegated to the Director shall be exercised in consultation with the Secretary of State.

(c) The functions under section 125(b) of the Act [22 U.S.C. 2151w(b)] delegated to the Director shall be exercised in consultation with the Secretary of the Treasury and, with regard to the United Nations Development Program, in consultation with the Secretary of State.

(d) The Director shall exercise the functions of the President under sections 301(a), 301(e)(1), 301(e)(3), and 305 of the Act [22 U.S.C. 2221(a), (e)(1) and (3) and 2225] only insofar as they pertain to the United Nations Development Program, UNICEF, the Organization of American States Technical Assistance Funds, the United Nations Capital Development Fund, the United Nations Educational and Training Program for Southern Africa, the United Nations/Food and Agriculture Organization World Food Program, the Food and Agriculture Organization Post-Harvest Losses Fund, the United Nations Disaster Relief Organization, and any other international programs whose purpose is primarily developmental.

(e) In carrying out the functions under section 653 of the Act [22 U.S.C. 2413] that are delegated to the Director, the Director shall consult with the Director of the Office of Management and Budget.

(f) To the extent practicable, the Director will exercise functions relating to Foreign Service personnel in a manner that will assure maximum compatibility among agencies authorized by law to utilize the Foreign Service personnel system. To this end he shall consult regularly with the Secretary of State.

(g) In exercising functions under the Act [this chapter] arising from later-enacted amendments to any law specified in subsection (a) of this section that relate directly to matters of foreign policy, the Director shall consult with the Secretary of State to determine whether such function should more appropriately be exercised by the Secretary or reserved to the President.

1-103. *Agency for International Development.*

(a) The Director shall continue within IDCA the Agency for International Development, heretofore established in the Department of State.

(b) The Agency for International Development shall be headed by an Administrator appointed pursuant to section 624(a) of the Act [22 U.S.C. 2384(a)].

(c) The officers provided for in section 624(a) of the Act [22 U.S.C. 2384(a)] shall serve in the Agency for International Development.

1-104. *Office of Small Business.* The Office of Small Business provided for in section 602(b) of the Act [22 U.S.C. 2352(b)] shall be in the Agency for International Development.

1-2. Department of State

1-201. *Delegation of Functions.* (a) Subject to the provisions of this order, there are hereby delegated to the Secretary of State (hereafter in this Part referred to as the "Secretary") all functions conferred upon the President by:

(1) sections 239(g), 301(a), 301(b), 301(c), 301(e)(1), 301(e)(3), 302(a)(1) as it relates to the Presidential certification concerning the United Nations Relief and Works Agency, 302(a)(3), 305, 481, and 502B of the Act [22 U.S.C. 2199(g), 2221(a), (b), (c), (e) (1) and (3), 2222(a)(1) and (3), 2225, 2291, and 2304];

(2) section 495F of the Act [22 U.S.C. 2292*l*], insofar as they relate to policy decisions pertaining to refugee programs under such section;

(3) sections 504(a), 505(a) [22 U.S.C. 2312(a), 2314(a)] relating to other provisions required by the President, and 505 (d), (e), and (g) of the Act [22 U.S.C. 2314(d), (e), (g)];

(4) sections 505(a) (1) and (4) of the Act [22 U.S.C. 2314(a)(1), (4)] relating to consent;

(5) section 505(b) of the Act [22 U.S.C. 2314(b)] to the extent that it pertains to countries that agree to the conditions set forth therein;

(6) chapter 4 of Part II of the Act [22 U.S.C. 2346 et seq.], insofar as they relate to policy decisions and justifications for economic support programs under such chapter, including determinations of whether there will be an economic support program for a country and the amount of the program for each country. Such functions shall be exercised in cooperation with the Director;

(7) section 533(b) of the Act [22 U.S.C. 2346b(b)];

(8) chapter 6 of part II of the Act [22 U.S.C. 2348 et seq.];

(9) section 601(b)(3), (4), and (6) of the Act [22 U.S.C. 2351(b)(3), (4), and (6)];

(10) section 614(b) of the Act [22 U.S.C. 2364(b)], except that the function of determining which provisions of law should be disregarded to achieve the purpose of the provision is reserved to the President;

(11) section 620(b), (c), (e), (f), (g), (i), (j), (q), and (s) of the Act [22 U.S.C. 2370(b), (c), (e), (f), (g), (i), (j), (q), and (s)];

(12) section 620C(d) of the Act [22 U.S.C. 2373(d)];

(13) section 625(d) of the Act [22 U.S.C. 2385(d)], insofar as it relates to personnel in the Department of State;

(14) section 625(k)(1) of the Act [22 U.S.C. 2385(k)(1)];

(15) section 634B of the Act [22 U.S.C. 2394-1a], insofar as it relates to functions delegated to the Secretary under this order;

(16) section 617 and 653 of the Act [22 U.S.C. 2367, 2413], insofar as they relate to chapter 8 of part 1 [22 U.S.C. 2291 et seq.] and part II of the Act [22 U.S.C. 2301 et seq.] (other than chapter 4 thereof [22 U.S.C. 2346 et seq.]);

(17) section 657 and 668 of the Act [22 U.S.C. 2417, 2428];

(18) other provisions of the Act [this chapter] that relate directly and necessarily to the conduct of programs and activities vested in or delegated to the Secretary;

(19) the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.);

(20) section 8(d) of the Act of January 12, 1971 (22 U.S.C. 2321b (d)); and

(21) section 607 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2394a).

(b) The functions under sections 239(g), 620(e), 620(g), 620(i), 620(j), 620(q), 620(s), and 625(k)(1) of the Act [22 U.S.C. 2199(g), 2370(e), (g), (i), (j), (q), (s), and 2385(k)(1)] delegated to the Secretary shall be exercised in consultation with the Director.

(c) The functions under section 653 of the Act [22 U.S.C. 2413] delegated to the Secretary shall be exercised in consultation with the Secretary of Defense, insofar as they relate to functions under the Act [this chapter] administered by the Department of Defense, and the Director of the Office of Management and Budget.

(d) The Secretary may redelegate to the Director or to any other officer or agency of the Executive branch functions delegated to the Secretary by this order.

1-3. Department of Defense

1-301. *Delegation of Functions.* Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(a) The functions conferred upon the President by Part II [22 U.S.C. 2301 et seq.] (except chapters 4 and 6 thereof) of the Act [22 U.S.C. 2346 et seq., 2348 et seq.] not otherwise delegated or reserved to the President.

(b) To the extent that they relate to other functions under the Act [this chapter] administered by the Department of Defense, the functions conferred upon the President by sections 602(a), 605(a), 625(a), 625(d)(1), 625(h), 627, 628, 630(3), 631(a), 634(B), 635(b) (except with respect to negotiation, conclusion, and termination of international agreements), 635(d), and 635(g) of the Act [22 U.S.C. 2352(a), 2355(a), 2385(a), (d)(1), and (h), 2387, 2388, 2390(3), 2391(a), 2394-1a, 2395(b), 2395(d), and 2395(g)].

(c) Those functions under section 634A of the Act [22 U.S.C. 2394-1], to the extent they relate to notifications to the Congress concerning changes in programs under part II of the Act [22 U.S.C. 2301 et seq.] (except chapters 4 and 6 thereof [22 U.S.C. 2346 et seq., 2348 et seq.]), subject to prior consultation with the Secretary of State.

(d) The functions under sections 627, 628, and 630(3) of the Act [22 U.S.C. 2387, 2388, and 2390(3)] delegated to the Secretary of Defense shall be exercised in consultation with the Secretary of State.

1-302. *Reports and Information.* In carrying out the functions under section 514 of the Act [22 U.S.C. 2321h] delegated to him by section 301 of this order, the Secretary of Defense shall consult with the Secretary of State.

1-4. Institute for Scientific and Technological Cooperation

1-401. *Establishment of Institute for Scientific and Technological Cooperation.* There is established within IDCA the Institute for Scientific and Technological Cooperation (hereinafter referred to as the Institute).

1-402. *Establishment of the Council on International Scientific and Technological Cooperation.* There is established the Council on International Scientific and Technological Cooperation pursuant to section 407(a) of the IDC Act of 1979 [22 U.S.C. 3507(a)].

1-403. There are hereby established two additional positions in the Institute pursuant to section 406(c) of the IDC Act of 1979 [22 U.S.C. 3506(c)]. The officers appointed to these positions shall perform such duties and exercise such powers as the Director of the Institute may prescribe.

1-5. Other Agencies

1-501. *Department of the Treasury.* (a) There are delegated to the Secretary of the Treasury the functions conferred upon the President by:

(1) section 301(e)(3) of the Act [22 U.S.C. 2221(e)(3)] as it relates to organizations referred to in section 301(e)(2) of the Act [22 U.S.C. 2221(e)(2)];

(2) section 305 [22 U.S.C. 2225], insofar as it relates to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the African Development Fund, and the International Monetary Fund;

(3) the second sentence of section 612(a) of the Act [22 U.S.C. 2362(a)]; and

(4) section 502 of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(b) The Secretary of the Treasury shall continue to administer any open special foreign country accounts established pursuant to former section 514 of the Act as enacted by section 201(f) of Public Law 92-226 (86 Stat. 25) and repealed by Section 12(b)(5) of Public Law 93-189 (87 Stat. 722) [22 U.S.C. 2321g].

(c) The functions under section 305 of the Act [22 U.S.C. 2225] delegated to the Secretary of the Treasury shall be exercised in consultation with the Director, as provided in Executive Order No. 11269 of February 14, 1966, as amended [set out as a note under section 286b of this title].

1-502. *Department of Commerce.* There is hereby delegated to the Secretary of Commerce so much of the functions conferred upon the President by section 601(b)(1) of the Act [22 U.S.C. 2351(b)(1)] as consists of drawing the attention of private enterprise to opportunities for investment and development in less developed friendly countries and areas.

1-503. *Office of Personnel Management.* There is hereby delegated to the Director of the Office of Personnel Management the function of prescribing regulations conferred upon the President by the proviso contained in section 625(b) of the Act [22 U.S.C. 2385(b)].

1-504. *International Communication Agency.* The International Communication Agency shall perform all public information functions abroad with respect to the foreign assistance, aid, and development programs of the United States Government.

1-505. *Development Loan Committee.* There is hereby established a Development Loan Committee in accordance with section 122(e) of the Act [22 U.S.C. 2151t(e)] which shall consist of the Director of IDCA, who shall be Chair, the Administrator of the Agency for International Development, the Chairman of the Board of Directors of the Export-Import Bank of the United States, the Assistant Secretary of State for Economic Affairs, the Assistant Secretary of the Treasury dealing with international finance, the Assistant Secretary of Commerce for Industry and Trade, and the officer of the Agency for International Development dealing with development financing.

1-506. *Development Coordination Committee.* (a) In accordance with section 640B of the Act [22 U.S.C. 2399c], there is hereby established a Development Coordination Committee (hereinafter referred to as the Committee). The Committee shall consist of the Director of IDCA, who shall be Chair; the Administrator of the Agency for International Development, the Director of the Institute for Scientific and Technological Cooperation; the Under Secretary of State for Economic Affairs; the Under Secretary of the Treasury for Monetary Affairs; the Under Secretary of Commerce; the Under Secretary of Agriculture; the Under Secretary of Labor; the Under Secretary of Energy; a Deputy Special Representative for Trade Negotiations; an Associate Director of the Office of Management and Budget; a representative of the Assistant to the President for National Security Affairs; the President of the Export-Import Bank of the United States; and the President of the Overseas Private Investment Corporation.

(b) Whenever matters within the jurisdiction of the Committee may be of interest to Federal agencies not represented on the Committee under subsection (a) of this section, the Chair of the Committee may consult with such agencies and may invite them to designate representatives to participate in meetings and deliberations of the Committee.

(c) The Chair of the Committee may establish subcommittees of the Committee and designate the chairs thereof.

(d) Subject to the foreign policy guidance of the Secretary of State, the Committee shall advise the President with respect to coordination of United States policy and programs affecting the development of developing countries, including programs of bilateral and multilateral development assistance.

(e) All agencies and officers of the Government shall keep the Committee informed in necessary detail as to the policies, programs and activities referred to in subsection (d) of this section.

(f) Nothing herein shall be deemed to derogate from the responsibilities of the Secretary of State or the Secretary of the Treasury, or from responsibilities vested elsewhere by law or other Executive orders.

1-6. Additional Delegations and Limitations of Authority; Consultation

1-601. *General Delegation of Functions.* There are hereby delegated to the heads of agencies having responsibilities for carrying out the provisions of the Act [this chapter] all functions conferred upon the President by:

(a) section 654 [22 U.S.C. 2414] (except as reserved to the President); and

(b) those provisions of acts appropriating funds under the authority of the Act [this chapter] that relate to the Act, or other acts authorizing such funds, insofar as they relate to the functions delegated by this order.

1-602. *Personnel.* (a) In carrying out the functions conferred upon the President by the provisions of section 625(d)(1) of the Act [22 U.S.C. 2385(d)(1)], and by this order delegated to the Director of IDCA, the Director shall authorize such of the agencies that administer programs under the Act [this chapter] as he may deem appropriate to perform any of the functions under section 625(d)(1) of the Act to the extent that the said functions relate to the programs administered by the respective agencies.

(b) Persons appointed, employed, or assigned after May 19, 1959, under section 527(c) of the Mutual Security Act of 1954 [22 U.S.C. 1787(c)] or section 625(d) of the Act [22 U.S.C. 2385(d)] for the purpose of performing functions under such Acts outside the United States shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 528 of the Foreign Service Act of 1946 [22 U.S.C. 928] in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

1-603. *Special Missions and Staffs Abroad.* The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances as the chief of mission, class 3 and class 4, within the meaning of the Foreign Service Act of 1946 (22 U.S.C. 801 et seq.), all under section 631 of the Act [22 U.S.C. 2391], shall be subject to the approval of the Secretary of State.

1-604. *International Agreements.* The negotiation, conclusion, and termination of international agreements pursuant to the Act [this chapter], title IV of the IDC Act of 1979 [22 U.S.C. 3501 et seq.) or section 402 of the Mutual Security Act of 1954 [22 U.S.C. 1922] shall be subject to the requirements of 1 U.S.C. 112b and to applicable regulations and procedures.

1-605. *Interagency Consultation.* Each officer to whom functions are delegated by this order, shall, in carrying out such functions, consult with the heads of other departments and agencies, including the Director of the Office of Management and Budget, on matters pertaining to the responsibilities of departments and agencies other than his or her own.

1-7. Reserved Functions

1-701. *Reservation of Functions to the President.* There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(a) The functions conferred upon the President by sections 122(e), 298(a), 451, 504(b), 613(a), 614(a), 620(a), 620(d), 620(x), 620A, 620C(c), 621(a), 622(b),

622(c), 633(a), 633(b), 640B, 662(a), and 663(b) of the Act [22 U.S.C. 2151t(e), 2220c(a), 2261, 2312(b), 2363(a), 2364(a), 2370(a), (d), (x), 2371, 2373(c), 2381(a), 2382(b), (c), 2393(a), (b), 2399c, 2422(a), and 2423(b)].

(b) The functions conferred upon the President by sections 402, 405(a), 406 and 407 of the IDC Act of 1979 [22 U.S.C. 3502, 3505(a), 3506, 3507].

(c) The functions conferred upon the President by the Act [this chapter] and section 408(b) of the Mutual Security Act of 1954 [22 U.S.C. 1928] with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate and with respect to the appointment of officers pursuant to sections 233(b) and 624(c) of the Act [22 U.S.C. 2193(b), 2384(c)].

(d) The functions conferred upon the President with respect to determinations, certifications, directives, or transfers of funds, as the case may be, by sections 303, 481(a), 505(d)(2)(A), 505(d)(3), 506(a), 515(f), 604(a), 610, 614(c), 632(b), 633A, 659, 663(a), 669(b)(1) and 670(b)(1) of the Act [22 U.S.C. 2223, 2291(a), 2314(d)(2)(A), (d)(3), 2318(a), 2321i(f), 2354(a), 2360, 2364(c), 2392(b), 2393a, 2419, 2423(a), 2429(b)(1), and 2429a(b)(1)].

(e) The following-described functions conferred upon the President:

(1) Those under section 503(a) [22 U.S.C. 2311(a)] that relate to findings: *Provided*, that the Secretary of State, in the implementation of the functions delegated to him under section 505(a)(1), (a)(4), and (e) of the Act [22 U.S.C. 2314(a)(1), (a)(4), and (e)], is authorized to find, in the case of a proposed transfer of a defense article or related training or a related defense service by a foreign country or international organization to a foreign country or international organization not otherwise eligible under section 503(a) of the Act, whether the proposed transfer will strengthen the security of the United States and promote world peace.

(2) Those under section 505(b) [22 U.S.C. 2314(b)] in respect of countries that do not agree to the conditions set forth therein.

(3) That under section 614(b) [22 U.S.C. 2364(b)] with respect to determining any provisions of law to be disregarded to achieve the purpose of that section.

(4) That under the second sentence of section 654(c) [22 U.S.C. 2414(c)] with respect to the publication in the Federal Register of any findings or determination reserved to the President: *Provided*, that any officer to whom there is delegated the function of making any finding or determination within the purview of section 654(a) [22 U.S.C. 2414(a)] is also authorized to reach the conclusion specified in performance of the function delegated to him.

(f) Those with respect to determinations under sections 103(b) (first proviso), 104, and 203 of the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611b(b), 1611c, and 1612b).

(g) That under section 523(d) of the Mutual Security Act of 1954 (22 U.S.C. 1783(d)).

(h) Those under section 607 of the Foreign Assistance and Related Programs Appropriations Act, 1979 (92 Stat. 1591, 1601) [Pub. L. 95-481, title VI, § 607, Oct. 18, 1978, 92 Stat. 1601], with respect to findings.

1-702. *Subsequent Amendments.* Functions conferred upon the President by subsequent amendments to the Act [this chapter] are delegated to the Director only insofar as they do not relate directly and necessarily to the conduct of programs and activities that either the President or an agency other than IDCA is authorized to administer pursuant to express reservation or delegation of authorities in a statute or in this or another Executive order.

1-8. Funds

1-801. *Allocation of Funds.* Funds appropriated or otherwise made available to the President for carrying out the Act [this chapter] shall be deemed to be allocated without any further action of the President, as follows:

(a) There are allocated to the Director (1) all funds made available for carrying out the Act [this chapter] except those made available for carrying out Part II of the Act [22 U.S.C. 2301 et seq.] (other than chapter 4 thereof [22 U.S.C. 2346 et seq.]), section 481 of the Act [22 U.S.C. 2291], and section 637(b) of the Act [22 U.S.C. 2397(b)], and (2) all funds made available for carrying out title IV of the IDC Act of 1979 [22 U.S.C. 3501 et seq.].

(b) There are allocated to the Secretary of Defense funds made available for carrying out Part II of the Act [22 U.S.C. 2301 et seq.] (except chapters 4 and 6 thereof) [22 U.S.C. 2346 et seq., 2348 et seq.]).

(c) There are allocated to the Secretary of State funds made available for carrying out sections 481 and 637(b) [22 U.S.C. 2291, 2397(b)] and chapter 6 of Part II of the Act [22 U.S.C. 2348 et seq.].

1-802. *Reallocation of Funds.* The Director of IDCA, the Secretary of Defense, and the Secretary of State may allocate or transfer as appropriate any funds received under subsections (a), (b), and (c), respectively of section 1-801 of this order, to any agency or part thereof for obligation or expenditure thereby consistent with applicable law.

1-9. General Provisions

1-901. *Definition.* As used in this order, the word "function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

1-902. *References to Orders and Acts.* Except as may for any reason be inappropriate:

(a) References in this order or in any other Executive order to (1) the Foreign Assistance Act of 1961 [this chapter] (including references herein to "the Act"), (2) unrepealed provisions of the Mutual Security Act of 1954 [act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended], or (3) any other act that relates to the subject of this order shall be deemed to include references to any subsequent amendments thereto.

(b) References in any prior Executive order to the Mutual Security Act of 1954 [act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended] or any provisions thereof shall be deemed to be references to the Act [this chapter] or the corresponding provision, if any, thereof.

(c) References in this order to provisions of any appropriation Act, and references in any other Executive order to provisions of any appropriation Act related to the subject of this order shall be deemed to include references to any hereafter-enacted provisions of law that are the same or substantially the same as such appropriation Act provisions, respectively.

(d) References in this order or in any other Executive order to this order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(e) References in any prior Executive order not superseded by this order to any provisions of any Executive order so superseded shall hereafter be deemed to be references to the corresponding provisions, if any, of this order.

1-903. *Prior Executive Orders.* (a) The following are revoked:

(1) Executive Order No. 10973 [22 U.S.C. 2381 note] of November 3, 1961, as amended;

(2) section 2(a) of Executive Order No. 11579 [22 U.S.C. 2191 note], of January 19, 1971; and

(3) Executive Order No. 10893 [22 U.S.C. 2382 note] of November 8, 1960.

(b) The following are amended:

(1) section 3(a) of Executive Order No. 11846 of March 27, 1975, as amended [19 U.S.C. 2111 note], by adding the following new paragraph (12) after paragraph (11):

"(12) The Director of the United States International Development Cooperation Agency";

(2) section 1-202 of Executive Order 12065 of June 28, 1978 [50 U.S.C. 401 note], by striking out "The Administrator, Agency for International Development" and inserting in lieu thereof "The Director of the United States International Development Cooperation Agency";

(3) section 2(a) of Executive Order No. 11958 of January 18, 1977 [22 U.S.C. 2751 note], by striking out "the Administrator of the Agency for International Development" and inserting in lieu thereof "the Director of the United States International Development Cooperation Agency";

(4) section 3 of Executive Order 10900 of January 5, 1961 [7 U.S.C. 1691 note], by adding thereto the following new subsection:

"(d) The Secretary of State may redelegate to the Director of the United States International Development Cooperation Agency, or to any other officer or agency of the Executive branch, functions delegated to such Secretary by this order.";

(5) section 4 of Executive Order 11223 of May 12, 1965 [22 U.S.C. 2393 note], by inserting immediately following "the Secretary of State" the words "or the Director of the United States International Development Cooperation Agency (with respect to functions vested in or delegated to the Director)"; and

(6) the President's memorandum of October 18, 1961, entitled "Determination Under Section 604(a) of the Foreign Assistance Act of 1961" (26 FR 10543) is amended by inserting after "the Secretary of State" each time it appears in such memorandum the words "or the Director of the United States International Development Cooperation Agency (with respect to non-military programs administered by such Agency)".

(c) Any reference in any other Executive order to the Agency for International Development or the Administrator thereof shall be deemed to refer also to the International Development Cooperation Agency or the Director thereof, respectively.

(d) As authorized by section 403(c) of the IDC Act of 1979 [22 U.S.C. 3503(c)], the reference in Executive Order No. 11223 of May 12, 1965 [22 U.S.C. 2393 note] to "the performance of functions authorized by this Act" shall be deemed to include the performance of functions authorized by section 403 of the IDC Act of 1979 [22 U.S.C. 3503].

1-904. *Saving Provisions.* Except to the extent inconsistent with this order, all delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1-905. *Effective Date.* The provisions of this order shall become effective as of October 1, 1979.

JIMMY CARTER.

§ 2381a. Strengthened management practices

[*See main edition for text of* (a) *and* (b)]

(c) Repealed. Pub. L. 95-424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959

(As amended Pub. L. 95-424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959.)

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-424 struck out subsec. (c), relating to annual reports to Congress by the President evaluating the progress made toward implementation of this section.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2382. Coordination with foreign policy

TRANSFER OF FUNCTIONS

All functions and authorities vested in the Secretary of State pursuant to subsec. (c) of this section insofar as they relate to development assistance were transferred to the Director of the United States International Development Cooperation Agency by Reorg. Plan No. 2 of 1979, § 6(c)(1), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, pursuant to Ex. Ord. No. 12163, § 1-101, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title.

EXECUTIVE ORDER NO. 10893

Ex. Ord. No. 10893, Nov. 8, 1960, 25 F.R. 10731, as amended, formerly set out as a note under this section, which related to the administration of mutual security and related functions, was revoked by Ex. Ord. No. 12163, § 1-903(a)(3), Sept. 29, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

EX. ORD. NO. 12066. INSPECTION OF FOREIGN ASSISTANCE PROGRAMS

Ex. Ord. No. 12066, June 29, 1978, 43 F.R. 28965, provided:

By the authority vested in me as President of the United States of America by Section 124 of the International Development and Food Assistance Act of 1977 (Public Law 95-88, 95 Stat. 541) [section 2384 of this title] and Section 301 of Title 3 of the United States Code, and in order to assist the Secretary of State in carrying out his responsibilities under Section 622(c) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2382(c)), hereafter referred to as the Act, it is hereby ordered as follows:

1-1. ASSIGNMENT OF DUTIES AND RESPONSIBILITIES

1-101. I hereby direct the Secretary of State to assign to the Inspector General, Foreign Service, all duties and responsibilities vested in the Inspector General, Foreign Assistance by Section 624(d) of the Act (22 U.S.C. 2384(d)).

1-102. Having determined that all of the authorities vested in the Inspector General, Foreign Assistance, by Section 624(d) of the Act are necessary for the Inspector General, Foreign Service, to carry out the duties and responsibilities assigned to him pursuant to this Order, I hereby authorize the Inspector General, Foreign Service, to exercise all such authorities subject to the provisions of Section 1-2 of this Order.

1-2. PERFORMANCE OF DUTIES AND RESPONSIBILITIES

1-201. In carrying out his duties and responsibilities and in exercising his authorities pursuant to this Executive Order, the Inspector General, Foreign Service, shall not duplicate the scope of the audit, investigation and inspection authorities of the other agencies, including those of the Inspectors General of the armed services, and shall concentrate upon matters that have substantial and direct impact upon the responsibilities of the Secretary of State under Section 622(c) of the Act [subsec. (c) of this section].

1-202. The authority described in Section 624(d)(6) of the Act [section 2384(d)(6) of this title] shall be exercised by the Inspector General, Foreign Service, only with the specific consent of the Secretary of

State and in accordance with regulations prescribed by the Secretary of State which, whenever practical, afford the head of any agency whose programs are subject to audit, review or inspection pursuant to such Section a reasonable opportunity to take corrective action before any suspension takes effect.

1-3. ADMINISTRATIVE MATTERS

1-301. The Secretary of State shall provide for the appropriate transfer of offices, entities, property, and records of the Office of the Inspector General, Foreign Assistance to the Office of the Inspector General, Foreign Service.

1-302. This Executive Order is effective July 1, 1978.

JIMMY CARTER.

§ 2384. Statutory officers

[*See main edition for text of (a) to (c)*]

(d) Repealed. Pub. L. 95-88, title I, § 124(a)(1), Aug. 3, 1977, 91 Stat. 541

[*See main edition for text of (e)*]

(f) Assistant Secretary of State for Human Rights and Humanitarian Affairs

(1) There shall be in the Department of State an Assistant Secretary of State for Human Rights and Humanitarian Affairs who shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy. The Secretary of State shall carry out his responsibility under section 2304 of this title through the Assistant Secretary.

(2) The Assistant Secretary of State for Human Rights and Humanitarian Affairs shall maintain continuous observation and review of all matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy including—

[*See main edition for text of (A) and (B)*]

(C) making recommendations to the Secretary of State and the Director of the United States International Development Cooperation Agency regarding compliance with sections 2151n and 2304 of this title; and

[*See main edition for text of (D)*]

(g) Auditor General; duties and responsibilities; compensation

(1) In addition to the officers provided for in subsection (a) of this section, there shall be an Auditor General who shall be appointed by the Administrator of the agency primarily responsible for administering subchapter I of this chapter. The Auditor General shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5.

(2) The Auditor General shall report to and be under the direct supervision of the Administrator.

(3) The Auditor General shall, with respect to the duties and responsibilities of the agency primarily responsible for administering subchapter I of this chapter and subject to the authority of the Administrator of such agency, supervise, direct, and control all audit and investigative activities relating to the programs and operations of the agency.

(4) The Auditor General shall submit an annual report to the Administrator. This report shall be provided to the Congress without further clearance or approval as part of the annual report required by section 2394 of this title.

(5) In the execution of the responsibilities and duties assigned in paragraph (3) of this subsection, the Auditor General shall have (A) access to all records, reports, papers, and documents of the agency and its administrative subdivisions, and (B) authority to request such information or assistance as necessary for carrying out the duties set forth in this subsection from any Federal, State, or local governmental agency or unit thereof, and from contractors, grantees, and loan recipients of the agency.

(As amended Pub. L. 95-88, title I, § 124(a)(1), Aug. 3, 1977, 91 Stat. 541; Pub. L. 95-105, title I, § 109(a)(1), Aug. 17, 1977, 91 Stat. 846; Pub. L. 95-424, title V, § 504, Oct. 6, 1978, 92 Stat. 959; 1979 Reorg. Plan No. 2, § 6(a)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346b; REFERENCES TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346c

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b, 2346c), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1978—Subsec. (g). Pub. L. 95-424 added subsec. (g).

1977—Subsec. (d). Pub. L. 95-88 struck out subsec. (d), which had provided for an Inspector General, Foreign Assistance.

Subsec. (f)(1). Pub. L. 95-105, § 109(a)(1)(A), substituted references to the Assistant Secretary of State for Human Rights and Humanitarian Affairs for references to the Coordinator for Human Rights and Humanitarian Affairs.

Subsec. (f)(2). Pub. L. 95-105, § 109(a)(1)(B), substituted "Assistant Secretary of State" for "Coordinator".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 124(c) of Pub. L. 95-88 provided that: "The amendments made by this section [repealing subsec. (d) of this section and pars. (52) and (53) of section 5315 of Title 5, Government Organization and Employees, and enacting provisions set out as a note under this section] shall take effect on July 1, 1978."

TRANSFER OF FUNCTIONS

"Director of the United States International Development Cooperation Agency" was substituted for "Administrator of the Agency for International Development" in subsec. (f)(2)(C) pursuant to Reorg. Plan No. 2 of 1979, § 6(a)(1), 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, as provided in Ex. Ord. No. 12163, § 1-101, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title.

ABOLITION OF POSITION

For abolition of one of the positions that the President may appoint under subsec. (a) of this section, see Reorg. Plan No. 2 of 1979, § 7, 44 F.R. 41166, 93 Stat. 1379, eff. July 1, 1980, set out as a note under section 2381 of this title.

AGENCY FOR INTERNATIONAL DEVELOPMENT

For service of the officers provided for in subsec. (a) of this section in the Agency for International Development and appointment of the Administrator of such Agency pursuant to subsec. (a) of this section, see section 1-103(b) and (c) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

ASSUMPTION OF DUTIES BY COORDINATOR FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS

Section 109(a)(6) of Pub. L. 95-105 provided that: "The individual holding the position of Coordinator for Human Rights and Humanitarian Affairs on the date of enactment of this section [Aug. 17, 1977] shall assume the duties of the Assistant Secretary of State for Human Rights and Humanitarian Affairs and shall not be required to be reappointed by reason of the enactment of this section."

REPORT TO SPEAKER OF THE HOUSE AND CONGRESSIONAL COMMITTEES ON OFFICE OF ASSISTANT SECRETARY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS

Section 109(a)(7) of Pub. L. 95-105 provided that: "Not later than January 31, 1978, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairmen of the Senate Committee on Foreign Relations and the Senate Committee on the Judiciary a comprehensive report on the Office of the Assistant Secretary for Human Rights and Humanitarian Affairs, including its current mandate and operations, the mandate and operations of its predecessor offices, and proposals for the reorganization of the Department of State that would strengthen human rights and humanitarian considerations in the conduct of United States foreign policy and promote the ability of the United States to participate effectively in international humanitarian efforts."

ASSIGNMENT OF DUTIES AND RESPONSIBILITIES TO INSPECTOR GENERAL, FOREIGN SERVICE

Section 124(a)(2) of Pub. L. 95-88 provided that: "The President (A) may assign to the Inspector General, Foreign Service, any of the duties and responsibilities vested by such section 624(d) [subsec. (d) of this section] in the Inspector General, Foreign Assistance, and (B) may authorize the Inspector General, Foreign Service, to exercise such of the authorities granted by such section 624(d) [subsec. (d) of this section] to the Inspector General, Foreign Assistance, as the President determines are necessary to carry out any duties or responsibilities so assigned."

§ 2385. Employment of personnel

[See main edition for text of (a) to (c)]

(d) Employment or assignment of officers and employees to perform functions outside United States

For the purpose of performing functions under this chapter outside the United States the President may—

[See main edition for text of (1)]

(2) utilize such authority, including authority to appoint and assign personnel for the duration of operations under this chapter, contained in the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.], as the President deems necessary to carry out functions under this chapter; and such provisions of the Foreign Service Act of 1946, as amended, as the President deems appropriate shall apply to personnel appointed or assigned under this paragraph, including in all cases the provisions of section 528 of that Act [22 U.S.C. 928]: *Provided, however,* That the President may by regulation make exceptions to the application of section 528 of that Act [22 U.S.C. 928] in cases in which the period of the appointment or assignment exceeds thirty months: *Provided further,* That Foreign Service Reserve officers appointed or assigned pursuant to this paragraph shall receive within-class salary increases in accordance with such regulations as the President may prescribe: *Provided further,* That, whenever the President determines it to be important for the purposes of this chapter, the President may initially assign personnel under this paragraph for duty within the United States for a period not to exceed two years for the purpose of preparation for assignment outside the United States.

[See main edition for text of (e) to (k)]

(As amended Pub. L. 95-88, title I, § 125, Aug. 3, 1977, 91 Stat. 542.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c, AND REFERENCES TO SUBCHAPTER II AS EXCLUDING SUCH PART

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1977—Subsec. (d)(2). Pub. L. 95-88 struck out a numerical limitation of fifty on the number of persons which the President may assign, at any one time, to duty within the United States for the purpose of preparation for assignments outside the United States.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under subsecs. (a), (d)(1), and (h) of this section, to the extent they relate to

other functions under this chapter administered by the Department of Defense, were delegated to the Secretary of Defense, by section 1-301(b) of Ex. Ord. No. 12163.

The function of prescribing regulations conferred upon the President by the proviso contained in subsec. (b) of this section was delegated to the Director of the Office of Personnel Management by section 1-503 of Ex. Ord. No. 12163.

Functions of the President under subsecs. (d), insofar as they relate to personnel in the Department of State, and (k)(1) of this section were delegated to the Secretary of State with those functions under subsec. (k)(1) to be exercised in consultation with the Director of the United States International Development Cooperation Agency by section 1-201(a)(13), (14), (b) of Ex. Ord. No. 12163.

Section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title, which delegated functions of the President under subsec. (d)(1) of this section to the Overseas Private Investment Corporation, was revoked by section 1-903(a)(2) of Ex. Ord. No. 12163, Sept. 27, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

AUTHORITY OF DIRECTOR OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

In carrying out functions of President under subsec. (d)(1) of this section, and delegated to the Director of United States International Development Cooperation Agency (see Delegation of Functions note above), the Director shall authorize such agencies that administer programs under this chapter as he may deem appropriate to perform any of the functions under subsec. (d)(1) of this section to the extent that said functions relate to the programs administered by the respective agencies, see section 1-602(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

ENTITLEMENT TO BENEFITS FOR SERVICES PERFORMED OUTSIDE UNITED STATES; SERVICE EXCEEDING THIRTY MONTHS

Persons appointed, employed, or assigned after May 19, 1959, under former section 1787(c) of this title or subsec. (d) of this section for the purpose of performing functions under the Mutual Security Act of 1954 (see Short Title note under section 1754 of this title) and this chapter, outside the United States, shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided for by section 928 of this title in cases in which their service under the appointment, employment, or assignment exceeds thirty months, see Ex. Ord. No. 12163, § 1-602(b), Sept. 29, 1979, 44 F.R. 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2385a. Unified personnel system

(a) Establishment by regulations

Not later than May 1, 1979, the President shall submit to the Congress, and publish in the Federal Register, regulations establishing a unified personnel system for all employees of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.]. In preparing such regulations, the President shall keep the appropriate committees of the Congress fully and currently informed, and shall consult with them on a regular basis, concerning the nature of the unified personnel system to be established.

(b) Effective date of regulations

The regulations submitted to the Congress pursuant to subsection (a)—

(1) may not become effective until after the end of the 90-day period beginning on the date of such submission in order to provide the appropriate committees of the Congress an opportunity to review them; and

(2) shall not become effective then if, during such 90-day period, either House of Congress adopts a resolution stating in substance that it disapproves the personnel system proposed to be established by the regulations.

(c) Force and effect of regulations

Regulations which take effect pursuant to this section shall have the force and effect of law and shall apply with respect to the personnel of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], notwithstanding and[1] inconsistent provision of law unless that provision of law specifically states that it supersedes regulations issued under this section.

(Pub. L. 95-424, title IV, § 401, Oct. 6, 1978, 92 Stat. 956; Pub. L. 96-53, title V, § 503(a), Aug. 14, 1979, 93 Stat. 378.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsecs. (a) and (c), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Part I of the Foreign Assistance Act of 1961 is classified generally to subchapter I (§ 2151 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

REFERENCES TO PART I OF THE FOREIGN ASSISTANCE ACT OF 1961, CLASSIFIED TO SUBCHAPTER I, AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346c

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b, 2346c), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO PART I OF THE FOREIGN ASSISTANCE ACT OF 1961 CLASSIFIED TO SUBCHAPTER I, AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

CODIFICATION

Section enacted as part of the International Development and Food Assistance Act of 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-53 substituted "May 1" for "March 15".

EFFECTIVE DATE OF 1979 AMENDMENT

Section 503(b) of Pub. L. 96-53 provided that: "The amendment made by subsection (a) [amending subsec.

[1] So in original. Probably should be "any".

(a) of this section] shall be effective as of March 15, 1979."

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3503 of this title.

§ 2386. Experts, consultants, and retired officers

[See main edition for text of (a)]

(b) Exemption from certain Federal laws

Service of an individual as an expert or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 3323(a) of title 5.

[See main edition for text of (c)]

(As amended Pub. L. 95-88, title I, § 126, Aug. 3, 1977, 91 Stat. 542.)

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-88 struck out provisions under which service of an individual as an expert or consultant under subsec. (a) would not be considered employment as would bring a person under section 8344 of title 5, section 1112 of this title, and any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities subject to section 5532 of title 5.

§ 2387. Detail of personnel to foreign governments

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under this section, to the extent they relate to other functions under this chapter administered by the Department of Defense, were delegated to the Secretary of Defense, to be exercised in consultation with the Secretary of State, by section 1-301(b) and (d) of Ex. Ord. No. 12163.

Section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title, which delegated functions of the President under this section to the Overseas Private Investment Corporation, was revoked by section 1-903(a)(2) of Ex. Ord. No. 12163, Sept. 27, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2388. Detail of personnel to international organizations

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under this section, to the extent they relate to other functions under this chapter administered by the Department of Defense, were delegated to the Secretary of Defense, to be exercised in consultation with the Secretary of State, by section 1-301(b) and (d) of Ex. Ord. No. 12163.

Section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title, which delegated functions of the President under this section to the Overseas Private Investment Corporation, was revoked by section 1-903(a)(2) of Ex. Ord. No. 12163, Sept. 27, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2389. Status of personnel detailed to foreign governments or international organizations; representative allowances

DELEGATION OF FUNCTIONS

Section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title, which delegated functions of the President under subsec. (b) of this section to the Overseas Private Investment Corporation, was revoked by section 1-903(a)(2) of Ex. Ord. No. 12163, Sept. 27, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2390. Terms of detail or assignment of personnel

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under par. (3) this section, to the extent they relate to other functions under this chapter administered by the Department of Defense, were delegated to the Secretary of Defense, to be exercised in consultation with the Secretary of State, by section 1-301(b) and (d) of Ex. Ord. No. 12163.

Section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title, which delegated functions of the President under this section to the Overseas Private Investment Corporation, was revoked by section 1-903(a)(2) of Ex. Ord. No. 12163, Sept. 27, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2391. Missions and staffs abroad

[See main edition for text of (a) to (c)]

(d) Administration of assistance

Wherever practicable, especially in the case of the smaller programs, assistance under subchapter I of this chapter shall be administered under the direction of the Chief of the United States Diplomatic Mission by the principal economic officer of the mission.

(As amended Pub. L. 95-92, § 7(c), Aug. 4, 1977, 91 Stat. 617.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1977—Subsec. (d). Pub. L. 95-92 substituted reference to subchapter I of this chapter for reference to this chapter and struck out provisions requiring administration of assistance by the senior military officer of the mission for assistance under subchapter II of this chapter.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under subsec. (a) of this section were delegated to the Secretary of Defense to the extent they relate to other functions under this chapter administered by the Department of Defense by section 1-301(b) of Ex. Ord. No. 12163.

APPROVAL OF SECRETARY OF STATE

The maintenance of special missions or staffs abroad, the fixing of ranks of chiefs thereof after the chiefs of United States diplomatic missions, and authorization of same compensation and allowances as chief of mission, class 3 and class 4, within the meaning of the Foreign Service Act of 1946 (§ 801 et seq. of this title), all under this section, shall be subject to approval of Secretary of State, see section 1-603 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2392. Government agencies

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c, AND REFERENCES TO SUBCHAPTER II AS EXCLUDING SUCH PART

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with the exception of those functions relating to directives under subsec. (b) of this section and certain other exceptions, by sections 1-102(a)(1), (g) and 1-701(d) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2393. Waiver of certain laws

REFERENCES TO SUBCHAPTER II AS EXCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter II of this chapter shall be deemed to exclude part VI of subchapter II, sections 2348 to 2348c, and reference in any law to subchapter I of this chapter shall be deemed to include such part. See section 2348c of this title.

EX. ORD. NO. 11223. SPECIFICATION OF LAWS FROM WHICH FUNCTIONS AUTHORIZED BY THIS CHAPTER SHALL BE EXEMPT

Ex. Ord. 11223, May 12, 1965, 30 F.R. 6635, as amended by Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673; Ex. Ord. No. 12178, Dec. 10, 1979, 44 F.R. 71807, provided:

[See main edition for text of first par. and Secs. 1 to 3]

SEC. 4. With respect to contracts heretofore or hereafter made, other than those described in Section 3 of this order, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof, if the Secretary of State or the Director of the United States International Development Cooperation Agency (with respect to functions vested in or delegated to the Director) determines in each case that such action is necessary to protect the foreign policy interests of the United States.

[See main edition for text of Sec. 5]

SEC. 6. I determine it to be in furtherance of the purposes of the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2151 et seq.], and in the national security interest of the United States that the functions authorized by chapter 7 of Part II of that Act [22 U.S.C. 2349 et seq.], relating to air base construction in Israel, be performed without regard to the following additional specified provisions of law:

(1) Title IX of the Federal Property and Administration Services Act of 1949, as amended (40 U.S.C. 541-544);

(2) Section 612 of the Military Construction Authorization Act, 1967, as amended (31 U.S.C. 723a);

(3) Section 719 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2168); and

(4) Section 111 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2349b of this title.

§ 2393a. Requests by General Accounting Office and Congressional Committees for documents and materials

None of the funds made available pursuant to the provisions of this chapter shall be used to carry out any provision of this chapter in any country or with respect to any project or activity, after the expiration of the thirty-five-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations or expenditures under this chapter, has delivered to the office of the head of any agency carrying out such provision, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden the furnishing thereof pursuant to request and his reason for so doing.

(Pub. L. 87-195, pt. III, § 633A, as added Pub. L. 95-424, title V, § 502(a)(1), Oct. 6, 1978, 92 Stat. 957.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

This section was formerly classified to subsec. (c) of section 2394 of this title prior to the complete revision of section 2394 of this title by Pub. L. 95-424, title V, § 502(a)(2), Oct. 6, 1978, 92 Stat. 957.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2394. Reports and information; definitions

(a) In order that the Congress and the American people may be better and more currently informed regarding United States development policy, including the amounts and effectiveness of assistance provided by the United States Government to developing countries and international organizations, the Chairman of the Development Coordination Committee shall transmit to the Congress not later than February 1 of each year a report on foreign assistance for the fiscal year ending the previous September 30. The report shall include—

(1)(A) a comprehensive and coordinated review of all United States policies and programs having a major impact on the development of developing countries, including but not limited to bilateral and multilateral assistance, trade, debt, employment, food, energy, technology, population, oceans, environment, human settlements, natural resources, and participation in international agencies concerned with development;

(B) an assessment of the impact of such policies and programs on the well-being of the poor majority in developing countries in accordance with the policy objectives of part I of subchapter I of this chapter, including the progress developing countries are making toward achieving those objectives which are indicative of improved well-being of the poor majority, which objectives shall include but not be limited to increasing life expectancy and literacy, lowering infant mortality and birth rates, and increasing food production and employment; and

(C) an assessment of the impact of such policies and programs on economic conditions in the United States, including but not limited to employment, wages, and working conditions;

(2) the dollar value of all foreign assistance and guaranties by category and by country provided or made by the United States Government by any means to all foreign countries and international organizations—

(A) from 1946 to the fiscal year immediately preceding the fiscal year for which the report is required;

(B) as presented to Congress for the immediate preceding fiscal year;

(C) as obligated during the immediately preceding fiscal year;

(D) as planned for the fiscal year in which the report is presented; and

(E) as proposed for the fiscal year following the year in which the report is presented;

(3) a summary of repayments, by country, to the United States from previous foreign assistance loans;

(4) the status of each loan and each contract of guaranty or insurance theretofore made under this chapter, predecessor Acts, or any Act authorizing international security assistance, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each extension of credit for the procurement of defense articles or defense services, and of each contract of guarantee in connection with any such procurement, theretofore made under the Arms Export Control Act [22 U.S.C. 2751 et seq.] with respect to which their[1] remains outstanding any unpaid obligation or potential liability; the status of each sale of agricultural commodities on credit terms, theretofore made under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.] with respect to which there remains outstanding any unpaid obligation; and the status of each transaction with respect to which a loan, contract or guarantee of insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.] with respect to which there remains outstanding any unpaid obligation or potential liability; except that such report shall include individually only any loan, contract, sale, extension of credit, or other transaction listed in this paragraph which is in excess of $1,000,000;

(5)(A) the status of the debt servicing capacity of each country receiving assistance under this chapter;

(B) all forms of debt relief granted by the United States with respect to such countries, together with a detailed statement of the specific debt relief granted with respect to each such country and the purpose for which it was granted; and

(C) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States; and

(6) such other matters relating to foreign assistance provided by the United States Government under subchapter I of this chapter as the Chairman of the Development Coordination Committee considers appropriate.

(b) For purposes of this section—

(1) "foreign assistance" means any tangible or intangible item provided by the United States Government to a foreign country or international organization under this chapter or any other Act, including but not limited to any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies of any foreign country which are owned by the United States Government; and

(2) "provided by the United States Government" includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit, or guaranty.

(As amended Pub. L. 95-424, title V, § 502(a)(1), (2), Oct. 6, 1978, 92 Stat. 957.)

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[1] So in original. Probably should be "there".

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(4), (5)(A), (b)(1), was in the original, this Act, meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (a)(4), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsec. (a)(4), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified principally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

The Export-Import Bank Act of 1945, referred to in subsec. (a)(4), is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to subchapter I (§ 635 et seq.) of chapter 6A of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 635 of Title 12 and Tables.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346c

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b, 2346c), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92–226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

CODIFICATION

Prior to the complete revision of this section by section 502(a)(2) of Pub. L. 95–424, section 501(a)(1) of Pub. L. 95–424 redesignated former subsec. (c), relating to requests by the General Accounting Office and Congressional committees for documents and other material, as section 2393a of this title.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–424, § 502(a)(2), added subsec. (a).

Subsec. (b). Pub. L. 95–424, § 502(a)(2), substituted definitions of "foreign assistance" and "provided by the United States Government" for provisions requiring public disclosure of all information concerning operations under this chapter except that which is deemed incompatible with the Security of the United States.

Subsec. (c). Pub. L. 95–424, § 502(a)(1), struck out the designation "(c)" at the beginning of the subsection and transferred the remainder of the subsection to section 2393a of this title.

Subsecs. (d) to (h). Pub. L. 95–424, § 502(a)(2), struck out subsecs. (d), relating to presentation of programs to Congressional committees; (e), relating to inclusion of a specific plan in the President's recommendations to Congress; (f), relating to a report by the President to Congress showing the status of each outstanding loan; (g), relating to a report by the President to Congress showing debt-servicing problems; and (h), relating to military assistance to South Vietnam, Thailand, and Laos.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

NEGOTIATING EFFORTS CONCERNING ACCELERATED LOAN REPAYMENTS TO BE INCLUDED IN ANNUAL REPORTS FOR FOREIGN ASSISTANCE FOR 1980 AND 1981

Annual reports on foreign assistance submitted in 1980 and 1981 pursuant to this section to contain negotiating efforts respecting accelerated loan repayments under section 2151y of this title, see section 508(b) of Pub. L. 96–53, set out as a note under section 2151y of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151w, 2384, 2399c of this title.

§ 2394–1. Notification of program changes

None of the funds appropriated to carry out the purposes of this chapter (except for programs under subpart III or subpart IV of part II of subchapter I of this chapter, part V of subchapter I of this chapter, and programs of disaster relief and rehabilitation) may be obligated for any activities, programs, projects, types of materiel assistance, countries, or other operations not justified, or in excess of the amount justified, to the Congress for obligation under this chapter for any fiscal year unless the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of each House of the Congress are notified fifteen days in advance of such obligation.

(Pub. L. 87–195, pt. III, § 634A, formerly § 671, as added Pub. L. 95–88, title I, § 130, Aug. 3, 1977, 91 Stat. 543, and renumbered Pub. L. 95–424, title V, § 502(b), Oct. 6, 1978, 92 Stat. 959; H. Res. 89, Feb. 5, 1979.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was formerly classified to section 2429b of this title.

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

DELEGATION OF FUNCTIONS

Functions of the President under this section, to the extent they relate to notifications to Congress concerning changes in programs under subchapter II of this chapter, except parts IV and VI thereof, were delegated to the Secretary of Defense, subject to prior consultation with the Secretary of State, by section

1-301(c) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2394-1a. Classification of reports

All information contained in any report transmitted under this chapter shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplemental report shall be transmitted to the Congress at the time the report is transmitted.

(Pub. L. 87-195, pt. III, § 634B, as added Pub. L. 95-424, title V, § 502(c), Oct. 6, 1978, 92 Stat. 959.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under this section, insofar as they relate to other functions delegated to the Secretary of State by Ex. Ord. No. 12163 were delegated to the Secretary of State by section 1-201(a)(15) of Ex. Ord. No. 12163.

Functions of the President, to the extent they relate to other functions under this chapter administered by the Department of Defense, were delegated to the Secretary of Defense by section 1-301(b) of Ex. Ord. No. 12163.

§ 2394a. Extortion and illegal payments to officials of foreign countries receiving international security assistance

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Secretary of State by section 1-201(a)(21) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2395. General authorities

[See main edition for text of (a) and (b)]

(c) Utilization of services and facilities of voluntary, nonprofit organizations

It is the sense of Congress that the President, in furthering the purposes of this chapter, shall use to the maximum extent practicable the services and facilities of voluntary, nonprofit organizations registered with, and approved by, the Agency for International Development.

[See main edition for text of (d) to (g)]

(h) Term of contracts and agreements

A contract or agreement which entails commitments for the expenditure of funds made available under part I (except development loans) and subpart II of part II of subchapter I and under subchapter II of this chapter, may, subject to any future action of the Congress, extend at any time for not more than five years.

[See main edition for text of (i) to (k)]

(As amended Pub. L. 95-424, title I, § 102(g)(2)(G), Oct. 6, 1978, 92 Stat. 943; Pub. L. 96-53, title I, § 121, Aug. 14, 1979, 93 Stat. 366.)

REFERENCES TO SUBCHAPTER I AS INCLUDING AND TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346c

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b, 2346c), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c, AND REFERENCES TO SUBCHAPTER II AS EXCLUDING SUCH PART

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (c). Pub. L. 96-53 substituted "Agency for International Development" for "Advisory Committee on Voluntary Foreign Aid".

1978—Subsec. (h). Pub. L. 95-424 substituted "part I (except development loans) and subpart II of part II of subchapter I" for "subparts II, V, and VI of part II of subchapter I (except development loans)".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President, to the extent they relate to other functions under this chapter administered by the Department of Defense, under subsec. (b) of this section (except with respect to negotiation, conclusion, and termination of international agreements) and under subsecs. (d) and (g) of this section were delegated to the Secretary of Defense by section 1-301(b) of Ex. Ord. No. 12163.

Section 2(a) of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 969, set out as a note under section 2191 of this title, which delegated functions of the President under subsec. (d) of this section to the Overseas Private Investment Corporation, was revoked by section 1-903(a)(2) of Ex. Ord. No. 12163, Sept. 27, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

INTERNATIONAL AGREEMENTS

The negotiation, conclusion, and termination of international agreements pursuant to this chapter shall be subject to requirements of section 112b of Title 1, General Provisions, and to applicable regulations and procedures, see section 1-604 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

INFORMATION TO CONGRESSIONAL COMMITTEES ON NEGOTIATIONS REGARDING DEBTS OWED UNITED STATES BY FOREIGN GOVERNMENTS; TRANSMITTAL TO CONGRESS OF DEBT MODIFICATION PROPOSALS

Pub. L. 93-333, § 4, July 8, 1974, 88 Stat. 290, relating to cancellation, renegotiation, etc., of any debt owed by a foreign government, was repealed by Pub. L. 95-424, title VI, § 603(b), Oct. 6, 1978, 92 Stat. 961.

§ 2395a. Cancellation, renegotiation, etc., of debt owed by foreign government

(1) The Secretary of State shall keep the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of each House of the Congress fully and currently informed of any negotiations with any foreign government with respect to any cancellation, renegotiations, rescheduling, compromise, or other form of debt relief (including any modification of the terms, conditions, or manner of repayment), with regard to any debt owed to the United States by such foreign government.

(2) The Secretary of State shall transmit to such committees a copy of the text of any agreement with any foreign government which would result in any such debt relief no less than thirty days prior to its entry into force, together with a detailed justification of the interest of the United States in the proposed debt relief. The requirements of this paragraph shall not apply with respect to an agreement if a statutory requirement exists that the amount of the debt relief provided by the agreement may not exceed the amount approved for such purposes in advance in an appropriation Act.

(Pub. L. 95-424, title VI, § 603(a), Oct. 6, 1978, 92 Stat. 960; H. Res. 89, Feb. 5, 1979.)

CODIFICATION

Section enacted as part of the International Development and Food Assistance Act of 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2396. Availability of funds

(a) General expenditures

Appropriations for the purposes of or pursuant to this chapter (except for subchapter II of this chapter), allocations to any agency of the United States Government, from other appropriations, for functions directly related to the purposes of this chapter, and funds made available for other purposes to the agency primarily responsible for administrating subchapter I of this chapter, shall be available for:

[*See main edition for text of (1) to (4)*]

Purchase and hire of passenger motor vehicles

(5) purchase and hire of passenger motor vehicles: *Provided,* That, except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes outside the United States may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles, and the cost, including exchange allowance, of each such replacement shall not exceed the current market price in the United States of a mid-sized sedan or station wagon meeting the requirements established by the General Services Administration for a Class III vehicle of United States manufacture (or, if the replacement vehicle is a right-hand drive vehicle, 120 percent of that price) in the case of an automobile for the chief of any special mission or staff outside the United States established under section 2391 of this title: *Provided further,* That passenger motor vehicles, other than one for the official use (without regard to the limitations contained in section 638a(c)(2) of title 31 and section 638c of title 31) of the head of the agency primarily responsible for administering subchapter I of this chapter, may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;

[*See main edition for text of (6) to (17); (b)*]

(c) Construction of living quarters, office space, and supporting facilities

Notwithstanding any other law, not to exceed $3,000,000 of the funds available for assistance under this chapter may be used in any fiscal year (in addition to funds available for such use under other authorities in this chapter) to construct or otherwise acquire outside the United States (1) essential living quarters, office space, and necessary supporting facilities for use of personnel carrying out activities authorized by this chapter, and (2) schools (including dormitories and boarding facilities) and hospitals for use of personnel carrying out activities authorized by this chapter, United States Government personnel, and their dependents. In addition, funds made available for assistance under this chapter may be used, notwithstanding any other law, to equip, staff, operate, and maintain such schools and hospitals.

(d) Education of dependents

Not to exceed $2,500,000 of the funds available for assistance under this chapter may be

used in any fiscal year to provide assistance, on such terms and conditions as are deemed appropriate, to schools established, or to be established, outside the United States whenever it is determined that such action would be more economical or would best serve the interests of the United States in providing for the education of dependents of personnel carrying out activities authorized by this chapter and dependents of United States Government personnel, in lieu of acquisition or construction pursuant to subsection (c) of this section.

(e) Training costs

Funds available under this chapter may be used to pay costs of training United States citizen personnel employed or assigned pursuant to section 2385(d)(2) of this title (through interchange or otherwise) at any State or local unit of government, public or private nonprofit institution, trade, labor, agricultural, or scientific association or organization, or commercial firm; and the provisions of sections 1881 to 1888 of title 7 may be used to carry out the foregoing authority notwithstanding that interchange of personnel may not be involved or that the training may not take place at the institutions specified in section 1881 to 1888 of title 7. Such training shall not be considered employment or holding of office under section 5533 of title 5, and any payments or contributions in connection therewith may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency: *Provided, however,* That any such payments to any employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

(f) Assistance in carrying out functions under certain laws

Funds made available under part I of subchapter I of this chapter may be used for expenses (other than those provided for under section 2397(a) of this title) to assist in carrying out functions under part I of subchapter I of this chapter, under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.], and under the Latin American Development Act, as amended, performed by the agency primarily responsible for administering subchapter I of this chapter or by the Corporation established under subpart IV of part II of subchapter I of this chapter with respect to loan activities which it carries out under the provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended.

[*See main edition for text of (g) to (i)*]

(As amended Pub. L. 95-424, title I, § 102(g)(2)(H)-(J), title V, § 505, Oct. 6, 1978, 92 Stat. 943, 960.)

REFERENCES TO SUBCHAPTER I AS INCLUDING AND TO SUBCHAPTER II AS EXCLUDING PART IV OF SUBCHAPTER II, SECTIONS 2346 TO 2346c

Part IV of subchapter I (§§ 2241 to 2243) has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (§§ 2346, 2346a, 2346b, 2346c), or to appropriate sections thereof. All references to subchapter I are deemed references also to part IV of subchapter II. All references to subchapter II are deemed not to include part IV of subchapter II. See Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, set out as a note under section 2346 of this title.

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c, AND REFERENCES TO SUBCHAPTER II AS EXCLUDING SUCH PART

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1978—Subsec. (a)(5). Pub. L. 95-424, § 505, substituted "the current market price in the United States of a mid-sized sedan or station wagon meeting the requirements established by the General Services Administration for a Class III vehicle of United States manufacture (or, if the replacement vehicle is a right hand drive vehicle, 120 percent of that price)" for "$3,500".

Subsec. (c). Pub. L. 95-424, § 102(g)(2)(H), struck out "(other than subpart I of part II of subchapter I of this chapter)" following "under this chapter" in two places.

Subsecs. (d), (e). Pub. L. 95-424, § 102(g)(2)(I), struck out "(other than subpart I of part II of subchapter I of this chapter)" following "under this chapter".

Subsec. (f). Pub. L. 95-424, § 102(g)(2)(J), substituted "available under part I of subchapter I of this chapter" for "section 2172 of this title", and "functions under part I" for "functions under subpart I of part II".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2349b, 2360 of this title.

§ 2397. Administrative expenses

(a) Repealed. Pub. L. 95-424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

[*See main edition for text of (b)*]

(As amended Pub. L. 95-424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-424 struck out subsec. (a), which authorized appropriations for necessary administrative expenses of the agency primarily responsible for administering subchapter I of this chapter.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

ALLOCATION OF FUNDS

Funds available to the President under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by section 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Funds available to the President for carrying out subsec. (b) of this section were allocated to the Secretary of State by section 1-801(c) of Ex. Ord. No. 12163.

§ 2399b. False claims and ineligible commodities

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2399c. Coordination of policies and programs

(a) Development Coordination Committee established

The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include Director of the United States International Cooperation Agency, Chairman, and representatives of the Departments of State, Treasury, Commerce, Agriculture, Energy, and Labor, the Executive Office of the President, and other executive departments and agencies, as the President shall designate. The Committee shall advise the President concerning the degree to which bilateral and multilateral development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development.

[See main edition for text of (b) and (c)]

(d) Repealed. Pub. L. 95-424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959

(e) Temporary assignment of employees

The head of any of the departments or agencies referred to in subsection (a) of this section may temporarily assign, upon the request of the Chairman, any employee from such department or agency to the staff of the Committee.

(f) Studies

To carry out the purposes of subsection (a) of this section, the Committee shall—

(1) prepare studies on various development problems;

(2) devise implementation strategies on developmental problems appropriate to each such department or agency;

(3) monitor and evaluate the results of the development activities of each such department or agency; and

(4) arrange for the exchange of information and studies between such agencies and departments.

(g) Report on studies

In his annual report to the Congress pursuant to section 2394 of this title, the Chairman of the Committee shall include a report on the Committee's operations pursuant to subsection (f) of this section.

(As amended Pub. L. 95-88, title I, § 127, Aug. 3, 1977, 91 Stat. 542; Pub. L. 95-424, title V, § 502(d), Oct. 6, 1978, 92 Stat. 959; Pub. L. 96-53, title I, § 118, Aug. 14, 1979, 93 Stat. 365; 1979 Reorg. Plan No. 2, § 6(b)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-53 added reference to Department of Energy.

1978—Subsec. (d). Pub. L. 95-424, § 502(d)(1), struck out subsec. (d), relating to annual reports to Congress by the President on United States actions affecting the development of less developed countries.

Subsec. (g). Pub. L. 95-424, § 502(d)(2), substituted "section 2394 of this title, the Chairman of the Committee" for "subsection (d) of this section, the President".

1977—Subsec. (a). Pub. L. 95-88, § 127(a), provided that the Committee advise the President concerning the degree to which bilateral and multilateral development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development.

Subsec. (d). Pub. L. 95-88, § 127(b), substituted "less developed countries" for "low-income countries" in the description of the subject matter of the Presidential reports to Congress, designated existing provisions setting out the subject matter of the reports as cl. (2)(A), and added cls. (1) and (2)(B).

Subsecs. (e) to (g). Pub. L. 95-88, § 127(c), added subsecs. (e) to (g).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

TRANSFER OF FUNCTIONS

"Director of the United States International Development Cooperation Agency" was substituted for "head of the agency primarily responsible for administering subchapter I of this chapter" in subsec. (a), pursuant to section 6(b)(1) of Reorg. Plan No. 2 of 1979, 44 F.R. 41166, 93 Stat. 1379, eff. Oct. 1, 1979, as provided in Ex. Ord. No. 12163, § 1-101, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title, which transferred the functions and authorities vested in the head of such agency under this section to the Director.

DEVELOPMENT COORDINATION COMMITTEE

For establishment, composition, and functions of the Development Coordination Committee required to be established by this section, see section 1-506 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56676, eff. Oct.

1, 1979, set out as a note under section 2381 of this title.

PART III—MISCELLANEOUS PROVISIONS

§ 2403. Definitions

As used in this chapter—

[*See main edition for text of* (a) *to* (c)]

(d) "Defense article" includes—

[*See main edition for text of* (1) *to* (4)]

shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity), by-product material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

[*See main edition for text of* (e) *to* (n)]

(o) "Agriculture" includes aquaculture and fisheries.

(p) "Farmers" includes fishermen and other persons employed in cultivating and harvesting food resources from salt and fresh waters.

(As amended Pub. L. 95-424, title I, § 103(b), Oct. 6, 1978, 92 Stat. 944; Pub. L. 96-92, § 22, Oct. 29, 1979, 93 Stat. 710.)

AMENDMENTS

1979—Subsec. (d). Pub. L. 96-92 defined "defense article" to include uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity.

1978—Subsecs. (o), (p). Pub. L. 95-424 added subsecs. (o) and (p).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2406. Development programs for dependable fuel supplies

PROHIBITION ON ASSISTANCE FOR NUCLEAR POWERPLANTS FOR FISCAL YEAR 1978

Pub. L. 95-92, § 14, Aug. 4, 1977, 91 Stat. 622, provided that: "None of the funds made available to carry out the Foreign Assistance Act of 1961 [this chapter] for the fiscal year 1978 may be used to finance the construction of, the operation or maintenance of, or the supply of fuel for, any nuclear powerplant under an agreement for cooperation between the United States and any other country."

§ 2407. Special authorization for use of foreign currencies

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2408. Repealed. Pub. L. 95-424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87-195, pt. III, § 649, as added Pub. L. 89-171, pt. III, § 303(d), Sept. 6, 1965, 79 Stat. 661, related to the aggregate of the total amounts authorized to be appropriated under this chapter.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2410. Repealed. Pub. L. 95-424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87-195, pt. III, § 651, as added Pub. L. 90-554, pt. III, § 303, Oct. 8, 1968, 82 Stat. 966, related to the sale of supersonic planes to Israel.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2413. Changes in allocation of foreign assistance

[*See main edition for text of* (a)]

(b) Report to Congress prior to grant of assistance with excess funds

Notwithstanding any other provision of law, no military grant assistance[1] assistance under part IV of subchapter II of this chapter, assistance under part I of subchapter I of this chapter, or assistance under part VI of subchapter II of this chapter, may be furnished to any country or international organization in any fiscal year, if such assistance exceeds by 10 percent or more the amount of such military grant assistance[1] assistance under part IV of subchapter II of this chapter, assistance under part I of subchapter I of this chapter, or assistance under part VI of subchapter II of this chapter, as the case may be, set forth in the report required by subsection (a) of this section, unless—

[*See main edition for text of* (1)]

(2) in the case of military grant assistance or assistance under part IV of subchapter II of this chapter or assistance under part VI of subchapter II of this chapter, the President includes in the report under paragraph (1) his determination that it is in the security interest of the United States to provide the excess funds.

[*See main edition for text of closing par. and* (c)]

(As amended Pub. L. 95-384, §§ 10(b)(3), 12(c)(2), Sept. 26, 1978, 92 Stat. 735, 737.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-384 substituted in provisions preceding par. (1) in two places and in par. (2) "assistance under part IV of subchapter II of this chapter" for "security supporting assistance" and in provisions preceding par. (1) in two places "part VI of subchapter II" for "subchapter IV" and inserted in

[1] So in original. There probably should be a comma.

par. (2) "or assistance under part VI of subchapter II of this chapter" preceding ", the President includes".

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

Functions of the President under this section, insofar as they relate to part VIII of subchapter I of this chapter (§ 2291 et seq. of this title) and subchapter II of this chapter (§ 2301 et seq. of this title) other than part IV thereof (§ 2346 et seq. of this title) were delegated to the Secretary of State, to be exercised in consultation with the Secretary of Defense (insofar as they relate to functions under this chapter administered by the Department of Defense) and the Director of the Office of Management and Budget, by section 1-201(a)(16) and (c) of Ex. Ord. No. 12163.

§ 2414. Presidential findings and determinations

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the heads of agencies having responsibilities for carrying out the provisions of this chapter by section 1-601(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title, except that function under the second sentence of subsec. (c) of this section, with respect to publication in the Federal Register of any findings or determination reserved to the President, provided that any officer to whom there is delegated the function of making any finding or determination within the purview of subsec. (a) of this section is also authorized to reach the conclusion specified in the performance of any functions delegated to him, by section 1-701(e)(4) of Ex. Ord. No. 12163 (44 F.R. 56677).

§§ 2415, 2416. Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section 2415, Pub. L. 87-195, pt. III, § 655, as added Pub. L. 92-226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 29, and amended Pub. L. 93-559, § 39(a), Dec. 30, 1974, 88 Stat. 1810; Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761, related to a limitation in amounts to be expended for assistance to Cambodia.

Section 2416, Pub. L. 87-195, pt. III, § 656, as added Pub. L. 92-226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 30, and amended Pub. L. 93-559, § 39(b), Dec. 30, 1974, 88 Stat. 1810; Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761, related to a limitation on the number of United States personnel in Cambodia.

EFFECTIVE DATE OF REPEAL

Repeal of sections by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2417. Annual Report on Military Assistance and Military Exports

Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30, showing the aggregate dollar value and quantity of defense articles and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under part 2 or part 5 of subchapter II of this chapter, by sale under chapter 2 of the Arms Export Control Act [22 U.S.C. 2761 et seq.], by commercial sale licensed under section 38 of that Act [22 U.S.C. 2778], or by other authority.

(Pub. L. 87-195, pt. III, § 657, as added Pub. L. 95-384, § 14, Sept. 26, 1978, 92 Stat. 739.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in text, is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended. Chapter 2 of the Act is classified generally to subchapter II (§ 2761 et seq.) of chapter 39 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

PRIOR PROVISIONS

A prior section 2417, Pub. L. 87-195, pt. III, § 657, as added Pub. L. 92-226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 30, and amended Pub. L. 93-189, § 23, Dec. 17, 1973, 87 Stat. 726; Pub. L. 94-273, § 5(2), Apr. 21, 1976, 90 Stat. 377; Pub. L. 94-329, title II, § 216, June 30, 1976, 90 Stat. 747, relating to an annual report by the President to Congress showing the dollar value of foreign assistance including military sales, education and training, was repealed by Pub. L. 95-424, title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959, effective Oct. 1, 1978.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Secretary of State by section 1-201(a)(17) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 1726.

§ 2418. Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87-195, pt. III, § 658, as added Pub. L. 92-226, pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 32, related to certification by the Comptroller General of the release of previously impounded funds prior to the expenditure of funds appropriated to carry out the purposes of this chapter.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2420. Police training prohibition

REFERENCES IN TEXT

Section 3763(c) of title 42, referred to in subsec. (b)(1), was in the original section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968 [title I of Pub. L. 90-351, June 19, 1968, 82 Stat. 207]. Section 515 was omitted in the general revision of title I of Pub. L. 90-351 by Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1167.

§ 2421. Reimbursable development programs

The President is authorized to use $3,800,000 of the funds made available for the purposes of this chapter for the fiscal year 1980 to work with friendly countries, especially those in which United States development programs have been concluded or those not receiving assistance under subchapter I of this chapter, in (1) facilitating open and fair access to natural resources of interest to the United States and

(2) stimulation of reimbursable aid programs consistent with subchapter I of this chapter. Any funds used for purposes of this section may be used notwithstanding any other provision of this chapter.

(As amended Pub. L. 95–88, title I, § 128, Aug. 3, 1977, 91 Stat. 543; Pub. L. 95–424, title I, § 121, Oct. 6, 1978, 92 Stat. 954; Pub. L. 96–53, title I, § 119, Aug. 14, 1979, 93 Stat. 365.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Pub. L. 96–53 substituted "$3,800,000" for "$3,000,000" and "1980" for "1979".

1978—Pub. L. 95–424 substituted "$3,000,000 of the funds made available for the purposes of this chapter for the fiscal year 1979" for "$2,000,000 of the funds made available for the purposes of this chapter. In the fiscal year 1977 and $2,000,000 of the funds made available for the purposes of this chapter in the fiscal year 1978,".

1977—Pub. L. 95–88 struck out provisions authorizing the President to use up to $1,000,000 of the funds made available for the purposes of this chapter in the fiscal year 1975 and $2,000,000 in the fiscal year 1976, and added provisions authorizing the President to use $2,000,000 of the funds made available for the purposes of this chapter in the fiscal year 1978.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated and funds available under this chapter were allocated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(1), (g) and 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2422. Intelligence activities

(a) Limitations; Presidential report to Congress

No funds appropriated under the authority of this chapter or any other Act may be expended by or on behalf of the Central Intelligence Agency for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that each such operation is important to the national security of the United States and reports, in a timely fashion, a description and scope of such operation to the appropriate committees of the Congress, including the Committee on Foreign Relations of the United States Senate and the Committee on Foreign Affairs of the United States House of Representatives.

[*See main edition for text of* (b)]

(As amended H. Res. 89, Feb. 5, 1979.)

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

§ 2423. Exchanges of certain materials

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 section 98c.

§ 2424. Repealed. Pub. L. 95–88, title I, § 123(c), Aug. 3, 1977, 91 Stat. 541

Section, Pub. L. 87–195, pt. III, § 664, as added Pub. L. 93–559, § 33, Dec. 30, 1974, 88 Stat. 1805, authorized the President to waive provisions which prohibited assistance to countries trading with designated countries.

§ 2425. Repealed. Pub. L. 95–424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87–195, pt. III, § 665, as added Pub. L. 94–161, title III, § 317, Dec. 20, 1975, 89 Stat. 867, authorized appropriations for the interim period July 1, 1976 through Sept. 30, 1976 of such amounts as were necessary to conduct programs for which funding was authorized for fiscal year 1976 by the International Development and Food Assistance Act of 1975 provided the total amount authorized not exceed one-fourth of the total authorized for fiscal year 1976 for such programs and activities.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 95–424 effective Oct. 1, 1978, see section 605 of Pub. L. 95–424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

§ 2426. Discrimination against United States personnel

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, to be exercised in consultation with the Secretary of State, with certain exceptions, by sections 1-102(a)(1), (b), and (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2427. Operating expenses

(a) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes, for the fiscal year 1980—

(1) $263,000,000 for necessary operating expenses of the agency primarily responsible for administering subchapter I of this chapter; and

(2) such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such agency.

(b) Amounts appropriated under this section are authorized to remain available until expended.

(As amended Pub. L. 95-88, title I, § 129(a), Aug. 3, 1977, 91 Stat. 543; Pub. L. 95-424, title V, § 506, Oct. 6, 1978, 92 Stat. 960; Pub. L. 96-53, title I, § 120, Aug. 14, 1979, 93 Stat. 365.)

REFERENCES TO SUBCHAPTER I AS INCLUDING PART VI OF SUBCHAPTER II, SECTIONS 2348 TO 2348c

Except as expressly provided to the contrary, any reference in any law to subchapter I of this chapter shall be deemed to include part VI of subchapter II, sections 2348 to 2348c, and any reference in any law to subchapter II of this chapter shall be deemed to exclude such part. See section 2348c of this title.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-53 substituted in the provisions preceding par. (1) "1980" for "1979" and in par. (1) "$263,000,000" for "$261,000,000".

1978—Subsec. (a). Pub. L. 95-424 substituted, in provisions preceding par. (1), "1979" for "1978", and in par. (1) "$261,000,000" for "$220,200,000".

1977—Pub. L. 95-88 substituted provisions authorizing appropriations for fiscal year 1978 for provisions stating that nothing in this chapter was intended to preclude the Committees on Appropriations from setting a ceiling on operating expenses of the agency primarily responsible for administering subchapter I of this chapter or limiting the availability of other sums therefor.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

ALLOCATION OF FUNDS

Funds available to the President for carrying out this chapter, with specified exceptions, were allocated to the Director of the United States International Development Cooperation Agency by section 1-801(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2151g of this title.

§ 2428. Report on Korea

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Secretary of State by section 1-201(a)(17) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56674, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 2428a. Congressional declaration of policy towards Korea; transmittal of report to Speaker of the House and congressional committees

(a) The Congress declares that—

(1) United States policy toward Korea should continue to be arrived at by joint decision of the President and the Congress;

(2) in any implementation of the President's policy of gradual and phased reduction of United States ground forces from the Republic of Korea, the United States should seek to accomplish such reduction in stages consistent with United States interests in Asia, notably Japan, and with the security interests of the Republic of Korea;

(3) any implementation of this policy should be carried out with a careful regard to the interest of the United States in continuing its close relationship with the people and government of Japan, in fostering democratic practices in the Republic of Korea, and in maintaining stable relations among the countries of East Asia; and

(4) these interests can be served most effectively by a policy which involves consultations by the United States Government, as appropriate, with the governments of the region, particularly those directly involved.

(b)(1) Any implementation of the foregoing policy shall be carried out in regular consultation with the Congress.

(2) Not later than February 15, 1978, and not later than February 15 of each year thereafter until any such withdrawal is completed, the President shall transmit a report in writing to the Speaker of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Intelligence of the Senate assessing the implementation of the foregoing policy.

(Pub. L. 95-105, title V, § 512, Aug. 17, 1977, 91 Stat. 861.)

CODIFICATION

Section was enacted as a part of Pub. L. 95-105, the Foreign Relations Authorization Act, Fiscal Year 1978, and not as a part of Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961, which comprises this chapter.

§ 2428b. Special security assistance for modernization of Armed Forces of Korea

(a) Transfer authority of President of defense articles and services located in Korea; applicable terms and conditions; reimbursement

(1) The President is authorized until December 31, 1982—

(A) to transfer, without reimbursement, to the Republic of Korea, only in conjunction with the withdrawal of the 2d Infantry Division and support forces from Korea, such United States Government-owned defense articles as he may determine which are located in Korea in the custody of units of the United States Army scheduled to depart from Korea; and

(B) to furnish to the Republic of Korea, without reimbursement, defense services (including technical and operational training) in Korea directly related to the United States Government-owned defense articles transferred to the Republic of Korea under this subsection.

(2) Any transfer under the authority of this section shall be made in accordance with all the terms and conditions of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] applicable to the furnishing of defense articles and defense services under chapter 2 of part II of that Act [22 U.S.C. 2311 et seq.], except that no funds heretofore or hereafter appropriated under that Act shall be available to reimburse

any agency of the United States Government for any such transfer or related services.

(b) Additional transfer authority of President of defense articles located outside of Korea; prerequisites for determinations respecting transfers; report by President to Congress of determinations

In order that transfers of defense articles under subsection (a) of this section will not cause significant adverse impact on the readiness of the Armed Forces of the United States, the President is authorized, in lieu of such transfers, to transfer additional defense articles from the stocks of the Department of Defense, wherever located, to the Republic of Korea to compensate for the military capability of defense articles withdrawn from Korea in any case where he determines that—

(1) the transfer of specific defense articles located in Korea would have a significant adverse impact on the readiness of the United States Armed Forces;

(2) the defense capability provided by those defense articles is needed by the Armed Forces of the Republic of Korea in order to maintain the military balance on the Korean peninsula; and

(3) a comparable defense capability could be provided by less advanced defense articles in the stocks of the Department of Defense which could be transferred without significant adverse impact on the readiness of the United States Armed Forces.

The President shall report to the Congress each determination made under this subsection prior to the transfer of the defense articles described in such determination.

(c) Report by President to Congress of types, etc., of transferred defense articles

The President shall transmit to the Congress, together with the presentation materials for security assistance programs proposed for each fiscal year through and including the fiscal year 1983, a report describing the types, quantities, and value of defense articles furnished or intended to be furnished to the Republic of Korea under this section.

(d) Report by President to Congress of viability of troop withdrawals from Korea; additional contents

The President should also transmit to the Congress, 120 days prior to each phase of troop withdrawal, a report on the viability of the withdrawal. This report should include assessments of the military balance on the Korean peninsula, the impact of withdrawal on the military balance, the adequacy of United States military assistance to the Republic of Korea, the impact of withdrawal on the United Nations and the Republic of Korea command structure, Republic of Korea defensive fortifications and defense industry developments, the United States reinforcement capability, and the progress of diplomatic efforts to reduce tensions in the area.

(e) Congressional policy respecting further troop withdrawals from Korea; report by President to Congress respecting further troop withdrawals

(1) It is the sense of the Congress that further withdrawal of ground forces of the United States from the Republic of Korea may seriously risk upsetting the military balance in that region and requires full advance consultation with the Congress.

(2) Prior to any further withdrawal, the President shall report to the Congress on the effect of any proposed withdrawal plan on preserving deterrence in Korea, the reaction anticipated from North Korea, the effect of the plan on increasing incentives for the Republic of Korea to develop an independent nuclear deterrent, the effect of any withdrawal on our long-term military and economic partnership with Japan, the effect of any proposed withdrawal on the United States-Chinese and United States-Soviet military balance, and the possible implications of any proposed withdrawal on the Soviet-Chinese military situation.

(Pub. L. 95-384, § 23, Sept. 26, 1978, 92 Stat. 743.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a)(2), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to this chapter (§ 2151 et seq.). Chapter 2 of part II of that Act is classified generally to part II (§ 2311 et seq.) of subchapter II of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as a part of the International Security Assistance Act of 1978, and not as a part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2429. Nuclear enrichment transfers by or to recipients of economic, military or security supporting, etc., assistance from United States; prohibitions; exceptions; procedures applicable

(a) Except as provided in subsection (b) of this section, no funds authorized to be appropriated by this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] may be used for the purpose of providing economic assistance (including assistance under part IV of subchapter II of this chapter), providing military assistance or grant military education and training, providing assistance under part VI of subchapter II of this chapter, or extending military credits or making guarantees, to any country which, on or after August 4, 1977, delivers nuclear enrichment equipment, materials, or technology to any other country, or receives such equipment, materials, or technology from any other country, unless before such delivery—

(1) the supplying country and receiving country have reached agreement to place all such equipment, materials, or technology, upon delivery, under multilateral auspices and management when available; and

(2) the recipient country has entered into an agreement with the International Atomic Energy Agency to place all such equipment,

materials, technology, and all nuclear fuel and facilities in such country under the safeguards system of such Agency.

(b)(1) Notwithstanding subsection (a) of this section, the President may furnish assistance which would otherwise be prohibited under such subsection if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) the termination of such assistance would have a serious adverse effect on vital United States interests; and

(B) he has received reliable assurances that the country in question will not acquire or develop nuclear weapons or assist other nations in doing so.

Such certification shall set forth the reasons supporting such determination in each particular case.

(2) Any joint resolution which would terminate or restrict assistance described in subsection (a) of this section with respect to a country to which the prohibition in such subsection applies shall, if introduced within thirty days after the transmittal of a certification under paragraph (1) of this subsection with respect to such country, be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(As amended Pub. L. 95–92, § 12, Aug. 4, 1977, 91 Stat. 620; Pub. L. 95–384, §§ 10(b)(4), 12(c)(3), Sept. 26, 1978, 92 Stat. 735, 737.)

REFERENCES IN TEXT

Section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (b)(2), is section 601(b) of Pub. L. 94-329, title VI, June 30, 1976, 90 Stat. 765, which made provision for expedited procedures in the Senate, and is not classified to the Code.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-384, in provisions preceding par. (1) inserted "(including assistance under part IV of subchapter II of this chapter)" following "economic assistance", "providing assistance under part VI of subchapter II of this chapter" following "education and training,", and deleted "or security supporting" following "providing military".

1977—Subsec. (a). Pub. L. 95-92 added provision for applicability to transfers on or after Aug. 4, 1977, and struck out applicability to nuclear reprocessing equipment, materials, or technology.

Subsec. (b). Pub. L. 95-92 in par. (1) struck out requirement that the President issue an Executive order effective not less than 30 days following its date of promulgation prior to furnishing assistance, and in par. (2) redesignated former subpar. (B) as existing par. with minor changes in phraseology and struck out subpar. (A) which authorized the Congress by joint resolution to terminate or restrict assistance under subsec. (a) of this section.

REPORT ON IMPACT ON NUCLEAR RESEARCH AND DEVELOPMENT COOPERATIVE AGREEMENTS OF PRESIDENTIAL MESSAGE CONCERNING ESTABLISHMENT OF UNITED STATES POLICY OF NUCLEAR NON-PROLIFERATION

Pub. L. 95-238, title II, § 203, Feb. 25, 1978, 92 Stat. 59, which required the Secretary of Energy, in cooperation with the Secretary of State to report to the Committees on International Relations and Science and Technology of the House of Representatives and the Committees on Energy and Natural Resources and Foreign Relations of the Senate, within six months of Feb. 25, 1978, on the effects of the Presidential message of Apr. 20, 1977 concerning nuclear non-proliferation on nuclear research and development cooperative agreements was omitted from the Code as obsolete.

§ 2429a. Nuclear reprocessing transfers by or to, and nuclear detonations by, recipients of economic, military or security supporting, etc., assistance; prohibitions; exceptions; procedures applicable

(a) Except as provided in subsection (b) of this section, no funds authorized to be appropriated by this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] may be used for the purpose of providing economic assistance (including assistance under part IV of subchapter II of this chapter), providing military assistance or grant military education and training, providing assistance under part VI of subchapter II of this chapter, or extending military credits or making guarantees, to any country which on or after August 4, 1977—

(1) delivers nuclear reprocessing equipment, materials, or technology to any other country or receives such equipment, materials, or technology from any other country (except for the transfer of reprocessing technology associated with the investigation, under international evaluation programs in which the United States participates, of technologies which are alternatives to pure plutonium reprocessing); or

(2) is not a nuclear-weapon state as defined in article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons and which detonates a nuclear explosive device.

(b)(1) Notwithstanding subsection (a) of this section, the President may furnish assistance which would otherwise be prohibited under such subsection if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefor.

(2) Any joint resolution which would terminate or restrict assistance described in subsection (a) of this section with respect to a country to which the prohibition in such subsection applies shall, if introduced within thirty days after the transmittal of a certification under paragraph (1) of this subsection with respect to such country, be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(Pub. L. 87-195, pt. III, § 670, as added Pub. L. 95-92, § 12, Aug. 4, 1977, 91 Stat. 620, and amended Pub. L. 95-384, §§ 10(b)(4), 12(c)(3), Sept. 26, 1978, 92 Stat. 735, 737.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4,

1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (b)(2), is section 601(b) of Pub. L. 94-329, title VI, June 30, 1976, 90 Stat. 765, which made provision for expedited procedures in the Senate, and is not classified to the Code.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-384 inserted in provision preceding par. (1) "(including assistance under part IV of subchapter II of this chapter)" following "economic assistance" "providing assistance under part VI of subchapter II of this chapter" following "education and training", and deleted "or security supporting" following "providing military".

§ 2429b. Transferred

CODIFICATION

Section, Pub. L. 87-195, pt. III, § 671, as added Pub. L. 95-88, title I, § 130, Aug. 3, 1977, 91 Stat. 543, which related to notification of program changes, was transferred to section 2394-1 of this title.

SUBCHAPTER IV—INDOCHINA POSTWAR RECONSTRUCTION

§ 2431. Repealed. Pub. L. 94-329, title IV, § 413(a), June 30, 1976, 90 Stat. 761

PIASTER CONVERSION FOR FORMER AND PRESENT VIETNAMESE EMPLOYEES OF AGENCY FOR INTERNATIONAL DEVELOPMENT

Pub. L. 95-92, § 29, Aug. 4, 1977, 91 Stat. 626, provided that: "No provision of law shall be construed to prevent payment of claims of former and present Vietnamese employees of the Agency for International Development, who presently reside in the United States, for the conversion of Vietnamese piasters to dollars because such conversion cannot take place in the territory of the former Republic of Vietnam or because the official with whom such piasters were deposited was not a United States disbursing officer."

ADOPTION OF CONTRACTS FUNDED OR APPROVED FOR FUNDING BY AGENCY FOR INTERNATIONAL DEVELOPMENT PRIOR TO JUNE 30, 1975, COVERING TRANSACTIONS INVOLVING FORMER GOVERNMENTS OF VIETNAM OR CAMBODIA OR GOVERNMENT OF LAOS

Pub. L. 94-329, title IV, § 413(b), (c), June 30, 1976, 90 Stat. 761, provided that:

"(b) Subject to the availability of appropriations therefor, the President [now the Director of the United States International Development Cooperation Agency] is authorized to adopt as a contract of the United States Government, and assume any liabilities arising thereunder (in whole or in part), any contract which had been funded or approved for funding by the Agency for International Development prior to June 30, 1975, for financing with funds made available under the Foreign Assistance Act of 1961 [this chapter] or the Foreign Assistance Act of 1974 [Pub. L. 93-559, Dec. 30, 1974, 88 Stat. 1795], or any equitable claim based upon a letter of intent issued prior to April 30, 1975, in which the Agency had expressed its intention to finance a transaction subject to the availability of funds, between the former Governments of Vietnam or Cambodia (including any of their agencies) or the Government of Laos (or any of its agencies) and any person and to apply with respect to any such contract the authorities of the Foreign Assistance Act of 1961 [this chapter].

[See main edition for text of (c)]

[Functions of the President under section 413(b) of Pub. L. 94-32, set out above, were delegated to the Director of the United States International Development Cooperation Agency, with certain exceptions, by sections 1-102(a)(4), (g) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.]

SUBCHAPTER V—MIDDLE EAST ASSISTANCE

§§ 2441 to 2443. Repealed. Pub. L. 95-384, § 12(c)(4), Sept. 26, 1978, 92 Stat. 737

Section 2441, Pub. L. 87-195, pt. VI, § 901, as added Pub. L. 93-559, § 42, Dec. 30, 1974, 88 Stat. 1812, and amended Pub. L. 94-329, title IV, § 401, June 30, 1976, 90 Stat. 756, related to congressional statement of policy with regard to Middle East assistance.

Section 2442, Pub. L. 87-195, pt. VI, § 902, as added Pub. L. 93-559, § 42, Dec. 30, 1974, 88 Stat. 1812, related to the allocations of funds with regard to Middle East assistance.

Section 2443, Pub. L. 87-195, pt. VI, § 903, as added Pub. L. 93-559, § 42, Dec. 30, 1974, 88 Stat. 1812, and amended Pub. L. 94-329, title V, § 502, June 30, 1976, 90 Stat. 763; Pub. L. 95-92, § 13, Aug. 4, 1977, 91 Stat. 621, related to a special requirements fund with regard to Middle East assistance.

STRIFE IN LEBANON

Pub. L. 94-329, title IV, § 410, June 30, 1976, 90 Stat. 760, relating to civil strife and national discord in Lebanon, formerly set out as a note under this section, is now set out as a note under section 2348 of this title.

UNITED STATES PROPOSAL FOR THE EARLY WARNING SYSTEM IN SINAI

Pub. L. 94-110, Oct. 13, 1975, 89 Stat. 572, authorizing the President to implement the United States Proposal for The Early Warning System in Sinai, formerly set out as a note under this section, is now set out as a note under section 2348 of this title.

EXECUTIVE ORDER NO. 11896

Ex. Ord. No. 11896, Jan. 13, 1976, 41 F.R. 2067, relating to the establishment of United States Sinai Support Mission, formerly set out as a note under this section, is now set out as a note under section 2348 of this title.

CHAPTER 33—MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

§ 2451. Congressional statement of purpose

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof under this chapter were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, except (A) for such functions as are vested by sections 2452(b)(6), (10), 2454(a), (e)(1), (2), (f), (g), 2455(a), (b), (c), 2456(a) and 2458 of this title, (B) for such functions as are vested by sections 2454(b), 2455(d)(2), (f), and 2456(d), (f) of this title, to the extent that such functions were assigned to the Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to the effective

date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to the extent that any such function therein is vested in the President or Secretary of State.

§ 2452. Authorization of activities; grants or contracts for educational or cultural exchanges; participation in international fairs and expositions abroad; other exchanges

(a) The Director of the International Communication Agency is authorized, when he considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for—

[*See main edition for text of (1)*]

(2) cultural exchanges, by financing—

[*See main edition for text of (i) to (iii)*]

(iv) participation by groups and individuals from other countries in nonprofit activities in the United States similar to those described in subparagraphs (ii) and (iii) of this paragraph, when the Director of the International Communication Agency determines that such participation is in the national interest.

[*See main edition for text of (3); (b)*]

(As amended 1977 Reorg. Plan No. 2, § 7(a)(2), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director of the International Communication Agency" was substituted for "President" in subsec. (a) opening par. and (a)(2)(iv), pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, to the Director of the International Communication Agency, except (A) for such functions as are vested by subsec. (b)(6), (10) of this section, and sections 2454(a), (e)(1), (2), (f), (g), 2455(a), (b), (c), 2456(a) and 2458 of this title, (B) for such functions as are vested by sections 2454(b), 2455(d)(2), (f), and 2456(d), (f) of this title, to the extent that such functions were assigned to the Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to the effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to the extent that any such functions therein is vested in the President or Secretary of State.

§ 2453. Agreements with foreign governments and international organizations

(a) Authorization

The Director of the International Communication Agency is authorized to enter into agreements with foreign governments and international organizations, in furtherance of the purposes of this chapter. In such agreements the Director of the International Communication Agency is authorized, when he deems it in the public interest, to seek the agreement of the other governments concerned to cooperate and assist, including making use of funds placed in special accounts pursuant to agreements concluded in accordance with section 1513(b)(6) of this title, or any similar agreements, in providing for the activities authorized in section 2452 of this title, and particularly those authorized in subsection (a)(1) of said section 2452, with respect to the expenses of international transportation of their own citizens and nationals and of activities in furtherance of the purposes of this chapter carried on within the borders of such other nations.

[*See main edition for text of (b)*]

(c) United States participation in programs

In such agreements with international organizations, the Director of the International Communication Agency may provide for equitable United States participation in and support for, including a reasonable share of the cost of, educational and cultural programs to be administered by such organizations.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(2), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director of the International Communication Agency" was substituted for "President" in subsecs. (a) and (c), pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except (A) for such functions as are vested by sections 2452(b)(6), (10), 2454(a), (e)(1), (2), (f), (g), 2455(a), (b), (c), 2456(a) and 2458 of this title, (B) for such functions as are vested by sections 2454(b), 2455(d)(2), (f), and 2456(d), (f) of this title, to the extent that such functions were assigned to the Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to the effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to the extent that any such functions therein is vested in the President or Secretary of State.

§ 2454. Administration

[*See main edition for text of (a) and (b)*]

(c) Employment or assignment of persons in or to the Foreign Service Reserve or Foreign Service Staff and alien clerks and employees

For the purpose of performing functions under this chapter outside the United States, including participation in binational or multinational foundations or commissions, the Director of the International Communication Agency may employ or assign or authorize the employment or assignment for the duration of operations under this chapter of persons in or to the Foreign Service Reserve or Foreign Service Staff and alien clerks and employees in accordance with applicable provisions of the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.].

(d) Extension of benefits

For the purpose of performing functions under this chapter outside the United States, the Director of the International Communication Agency is authorized to provide that any

person employed or assigned by a United States Government agency shall be entitled, except to the extent that the Director of the International Communication Agency may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 928 of this title, for persons appointed to the Foreign Service Reserve and, except for policymaking officials, the provisions of section 807 of this title shall apply in the case of such persons.

(e) Grants; use of funds, counseling service; publicity and promotion abroad

(1) In providing for the activities and interchanges authorized by section 2452 of this title, grants may be made to or for individuals, either directly or through foundations or educational or other institutions, which foundations or institutions are public or private nonprofit, and may include funds for tuition and other necessary incidental expenses, for travel expenses from their places of residence and return for themselves, and, whenever it would further the purposes of this chapter, for the dependent members of their immediate families, for health and accident insurance premiums, emergency medical expenses, costs of preparing and transporting to their former homes the remains of any of such persons who may die while away from their homes as participants or dependents of participants in any program under this chapter, and for per diem in lieu of subsistence at rates prescribed by the Director of the International Communication Agency, for all such persons, and for such other expenses as are necessary for the successful accomplishment of the purposes of this chapter.

[See main edition for text of (2)]

(3) For the purpose of assisting foreign students in making the best use of their opportunities while attending colleges and universities in the United States, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the Director of the International Communication Agency may make suitable arrangements, by contract or otherwise, for the establishment and maintenance at colleges and universities in the United States attended by foreign students of an adequate counseling service.

(4) The Director of the International Communication Agency is authorized to provide for publicity and promotion (including representation) abroad of activities of the type provided for in this chapter.

(f) Repealed. Pub. L. 96–60, title II, § 203(a)(1), Aug. 15, 1979, 93 Stat. 398

[See main edition for text of (g)]

(As amended 1977 Reorg. Plan No. 2, § 7(a)(2), 42 F.R. 62461, 91 Stat. 1637; Pub. L. 95–426, title II, § 204(a), Oct. 7, 1978, 92 Stat. 973; Pub. L. 96–60, title II, § 203(a)(1), Aug. 15, 1979, 93 Stat. 398.)

AMENDMENTS

1979—Subsec. (f). Pub. L. 96–60 struck out subsec. (f) relating to investigation-of-employees requirement.

1978—Subsec. (e)(1). Pub. L. 95–426 substituted "Director of the International Communication Agency" for "President".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–60 effective Oct. 1, 1979, see section 209 of Pub. L. 96–60, set out as an Effective Date note under section 1469 of this title.

TRANSFER OF FUNCTIONS

"Director of the International Communication Agency" was substituted for "Secretary of State" in subsec. (e) and for "President" in subsecs. (d), (e)(3), (4), pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except (A) for such functions as are vested by subsecs. (a), (e)(1), (2), (f), (g) of this section, sections 2452(b)(6), (10), 2455(a), (b), (c), 2456(a) and 2458 of this title, (B) for such functions as are vested by subsec. (b) of this section and sections 2455(d)(2), (f), and 2456(d), (f) of this title, to the extent that such functions were assigned to the Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to the effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to the extent that any such functions therein is vested in the President or Secretary of State.

For transfer of functions and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and termination of certain offices and positions under Ex. Ord. No. 11034, June 25, 1962, as amended, set out under this section in the main edition, see sections 3441 and 3503 of this title.

§ 2455. Appropriations

[See main edition for text of (a) to (d)]

(e) Reservation and use of sums due or paid by the Republic of Finland

The Director of the International Communication Agency is further authorized to reserve and use for educational and cultural exchange programs and other activities authorized in subsections (a) and (b) of section 2452 of this title, in relation to Finland and the people of Finland, all sums due or paid on and after August 24, 1949, by the Republic of Finland to the United States as interest on or in retirement of the principal of the debt incurred under the Act of February 25, 1919, as refunded by the agreement dated May 1, 1923, pursuant to the authority contained in the Act of February 9, 1922, or of any other indebtedness incurred by that Republic and owing to the United States as a result of World War I.

[See main edition for text of (f) and (g)]

(As amended 1977 Reorg. Plan No. 2, § 7(a)(2), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director of the International Communication Agency" was substituted for "President" in subsec. (e) pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, which transferred

all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except (A) for such functions as are vested by subsecs. (a), (b), and (c) of this section, sections 2452(b)(6), (10), 2454(a), (e)(1), (2), (f), (g), 2456(a) and 2458 of this title, (B) for such functions as are vested by subsecs. (d)(2) and (f) of this section, sections 2454(b) and 2456(d), (f) of this title, to the extent that such functions were assigned to the Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to the effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to the extent that any such functions therein is vested in the President or Secretary of State.

§ 2456. Board of Foreign Scholarships

[See main edition for text of (a)]

(b) United States Advisory Commission on Public Diplomacy; recommendations; report to Congress; appointment and term of members; Chairman; rules and regulations

(1) The United States Advisory Commission on Public Diplomacy (hereinafter referred to as the "Commission") is established to replace the United States Advisory Commission on Educational Exchange. The Commission shall formulate and recommend to the President policies for exercising his authority under this chapter and shall appraise the effectiveness of programs carried out pursuant to it. The Commission shall make a special study of the effectiveness of past programs with emphasis on the activities of a reasonably representative cross section of past recipients of aid and shall submit a report to the Congress not later than December 31, 1962.

[See main edition for text of (2) to (6)]

(c) Omitted

[See main edition for text of (d)]

(e) Availability of appropriations for expenses; transportation expenses and per diem; compensation of members of Board, Commission, and Committees

The provisions of section 691 of title 31 shall be applicable to any interagency committee created pursuant to the provisions of this chapter. Members of the Commission, the Committee, and other committees provided for in this section shall be entitled (i) to transportation expenses and per diem in lieu of subsistence at the rate prescribed by or established pursuant to section 5703 of title 5 while away from home in connection with attendance at meetings or in consultation with officials of the Government or otherwise carrying out duties as authorized, and (ii) if not otherwise in the employ of the United States Government, to compensation at rates not in excess of $50 per diem while performing services for Commission, Committee, or other committee. Members of the Board shall be entitled to such expenses and per diem in lieu of subsistence as provided for under clause (i) of the preceding sentence and, while performing services for the Board, to compensation at a rate, prescribed by the Director of the International Communication Agency, not in excess of the daily rate for the first step of GS–15 of the General Schedule under section 5332 of title 5.

[See main edition for text of (f)]

(As amended 1977 Reorg. Plan No. 2, §§ 8(b), 9(a)(6), 42 F.R. 62461, 91 Stat. 1638, 1639; Jan. 27, 1948, ch. 36, title VI, § 604, as added Aug. 15, 1979, Pub. L. 96–60, title II, § 203(f), 93 Stat. 399; Pub. L. 96–60, title II, § 205(a), Aug. 15, 1979, 93 Stat. 401.)

CODIFICATION

Former subsec. (c), relating to the continuation of the Advisory Committee on the Arts and the appointment, qualifications, and terms of office of its members, was omitted pursuant to Reorg. Plan No. 2 of 1977, § 9(a)(6), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, which abolished the Committee, all functions thereof, and all functions relating thereto.

AMENDMENTS

1979—Subsec. (e). Pub. L. 96–60 struck from second sentence "the Board," preceding "the Commission" and from cl. (ii) thereof "such Board," preceding "Commission" and provided for entitlement of members of the Board to expenses and per diem in lieu of subsistence and to compensation for services not exceeding a daily rate for first step, GS–15 of General Schedule.

CHANGE OF NAME

"The United States Advisory Commission on International Communication, Cultural and Educational Affairs" was substituted for "the United States Advisory Commission on Public Diplomacy pursuant to section 1469 of this title which redesignated the United States Advisory Commission on International Communication, Cultural and Educational Affairs as the United States Commission on Public Diplomacy.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 205(b) of Pub. L. 96–60 provided that: "The amendments made by subsection (a) [to subsec. (e) of this section] shall take effect on October 1, 1979."

TRANSFER OF FUNCTIONS

For transfer of functions and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and termination of certain offices and positions, see sections 3441 and 3503 of this title.

"United States Advisory Commission on International Communication, Cultural and Educational Affairs" was substituted for "United States Advisory Commission on International Educational and Cultural Affairs" in subsec. (b)(1) pursuant to Reorg. Plan No. 2 of 1977, § 8(b), 42 F.R. 62461, 91 Stat. 1638, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President. Section 9(a)(3) of Reorg. Plan No. 2 of 1977 abolished the United States Advisory Commission on International Educational and Cultural Affairs.

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof under this chapter were transferred to the Director of the International Communication Agency by section 7(a)(2) of Reorg. Plan No. 2 of 1977, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, except (A) for such functions as are vested by subsec.

(a) of this section, sections 2452(b)(6), (10), 2454(a), (e)(1), (2), (f), (g), 2455(a), (b), (c) and 2458 of this title, (B) for such functions as are vested by subsecs. (d) and (f) of this section, sections 2454(b) and 2455(d)(2), (f) of this title, to the extent that such functions were assigned to the Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to the effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by subsecs. (b) and (c) of this section to the extent that any function therein is vested in the President or Secretary of State.

§ 2457. Reports by Board and Commission

The Board and the Commission shall submit annual reports to the Congress and such other reports to the Congress as they deem appropriate, and shall make reports to the public in the United States and abroad to develop a better understanding of and support for the programs authorized by this chapter.

(As amended 1977 Reorg. Plan No. 2, § 9(a)(6), 42 F.R. 62461, 91 Stat. 1639.)

CODIFICATION

Provision relating to the submission of reports to Congress by the Advisory Committee on the Arts was omitted pursuant to Reorg. Plan No. 2 of 1977, § 9(a)(6), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, which abolished the Advisory Committee on the Arts, all functions thereof, and all functions relating thereto.

§ 2458. Authority of President

(a) Performance of certain functions without regard to other laws; appropriation credits upon reimbursement for services in connection with exchange activities

(1) Whenever the President determines it to be in furtherance of this chapter, the functions authorized in section 2452(a)(2) and (3) of this title may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify.

(2) Notwithstanding any other provision of law, the Director of the International Communication Agency may provide, on a reimbursable basis, services within the United States in connection with exchange activities otherwise authorized by this chapter when such services are requested by a department or executive agency. Reimbursements under this paragraph shall be credited to the applicable appropriation of the Agency.

[See main edition for text of (b) to (d)]

(As amended Pub. L. 96-60, title II, § 203(d), Aug. 15, 1979, 93 Stat. 399.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-60 designated existing provisions as par. (1) and added par. (2).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-60 effective Oct. 1, 1979, see section 209 of Pub. L. 96-60, set out as an Effective Date note under section 1469 of this title.

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof under this chapter were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, except (A) for such functions as are vested by this section, and sections 2452(b)(6), (10), 2454(a), (e)(1), (2), (f), (g), 2455(a), (b), (c), 2456(a) of this title, (B) for such functions as are vested by sections 2454(b), 2455(d)(2), (f), and 2456(d), (f) of this title, to the extent that such functions were assigned to the Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to the effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to the extent that any such function therein is vested in the President or Secretary of State.

§ 2458a. Federal employee participation in cultural exchange programs

(a) Grants and other foreign government assistance; family or household expense assistance prohibited; "Federal employee" defined

(1) Congress consents to the acceptance by a Federal employee of grants and other forms of assistance provided by a foreign government to facilitate the participation of such Federal employee in a cultural exchange—

(A) which is of the type described in section 2452(a)(2)(i) of this title,

(B) which is conducted for a purpose comparable to the purpose stated in section 2451 of this title, and

(C) which is specifically approved by the Director of the International Communication Agency for purposes of this section;

but the Congress does not consent to the acceptance by any Federal employee of any portion of any such grant or other form of assistance which provides assistance with respect to any expenses incurred by or for any member of the family or household of such Federal employee.

(2) For purposes of this section, the term "Federal employee" means any employee as defined in subparagraphs (A) through (F) of section 7342(a)(1) of title 5, but does not include a person described in subparagraph (G) of such section.

[See main edition for text of (b)]

(c) Regulations

The Director of the International Communication Agency is authorized to promulgate regulations for purposes of this section.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(2), 42 F.R. 62461, 91 Stat. 1637; Pub. L. 96-60, title II, § 204(d), Aug. 15, 1979, 93 Stat. 400.)

AMENDMENTS

1979—Subsec. (a)(2). Pub. L. 96-60 substituted "(F)" for "(E)" and "(G)" for "(F)".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-60 effective Oct. 1, 1979, see section 209 of Pub. L. 96-60, set out as an Effective Date note under section 1469 of this title.

TRANSFER OF FUNCTIONS

"Director of the International Communication Agency" was substituted for "Secretary of State" in subsecs. (a)(1)(C), (c), pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, which transferred all functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency or the Director thereof, under this chapter, to the Director of the International Communication Agency, except for such functions as are vested by sections 2452(b)(6), (10), 2454(a), (e)(1), (2), (f), (g), 2455(a), (b), (c), 2456(a) and 2458 of this title, (B) for such functions as are vested by sections 2454(b), 2455(d)(2), (f), and 2456(d), (f) of this title, to the extent that such functions were assigned to the Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to the effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to the extent that any such functions therein is vested in the President or Secretary of State.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 7342.

§ 2459. Immunity from seizure under judicial process of cultural objects imported for temporary exhibition or display

EXECUTIVE ORDER NO. 11312

Ex. Ord. No. 11312, Oct. 14, 1966, 31 F.R. 13415, set out as a note under this section in the main edition, which related to the delegation of functions to the Secretary of State, was revoked by Ex. Ord. No. 12047, Mar. 27, 1978, 43 F.R. 13359, set out as a note below.

EX. ORD. NO. 12047. IMPORTED OBJECTS OF CULTURAL SIGNIFICANCE

Ex. Ord. No. 12047, Mar. 27, 1978, 43 F.R. 13359, provided:

By virtue of the authority vested in me by the Act of October 19, 1965, entitled "An Act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes" (79 Stat. 985, 22 U.S.C. 2459), and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Director of the International Communication Agency is designated and empowered to perform the functions conferred upon the President by the above-mentioned Act and shall be deemed to be authorized, without the approval, ratification, or other action of the President, (1) to determine that any work of art or other object to be imported into the United States within the meaning of the Act is of cultural significance, (2) to determine that the temporary exhibition or display of any such work of art or other object in the United States is in the national interest, and (3) to cause public notices of the determinations referred to above to be published in the Federal Register.

SEC. 2. The Director of the International Communication Agency, in carrying out this Order, shall consult with the Secretary of State with respect to the determination of national interest, and may consult with the Secretary of the Smithsonian Institution, the Director of the National Gallery of Art, and with such other officers and agencies of the Government as may be appropriate, with respect to the determination of cultural significance.

SEC. 3. The Director of the International Communication Agency is authorized to delegate within the Agency the functions conferred upon him by this Order.

SEC. 4. Executive Order No. 11312 of October 14, 1966 is revoked.

SEC. 5. Any order, regulation, determination or other action which was in effect pursuant to the provisions of Executive Order No. 11312 shall remain in effect until changed pursuant to the authority provided in this Order.

SEC. 6. This Order shall be effective on April 1, 1978.

JIMMY CARTER.

CHAPTER 34—THE PEACE CORPS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2398 of this title; title 5 section 8332; title 7 section 1736; title 20 sections 425, 1077, 1078; title 26 sections 912, 3121, 3122, 6051; title 42 sections 294d, 294n, 297b, 405, 409, 410, 5057.

§ 2501. Congressional declaration of purpose

The Congress of the United States declares that it is the policy of the United States and the purpose of this chapter to promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower, particularly in meeting the basic needs of those living in the poorest areas of such countries, and to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people.

(As amended Pub. L. 95-331, § 2, Aug. 2, 1978, 92 Stat. 414.)

AMENDMENTS

1978—Pub. L. 95-331 added "particularly in meeting the basic needs of those living in the poorest areas of such countries" following "manpower".

SHORT TITLE OF 1978 AMENDMENT

Section 1 of Pub. L. 95-331 provided: "That this Act [amending sections 2501, 2501a, 2502, 2504, 2509, and 2510 of this title and enacting provisions set out as notes under sections 2501a and 2509 of this title] may be cited as the 'Peace Corps Act Amendments of 1978'."

EXECUTIVE ORDER NO. 11603

Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, formerly set out as a note under this section, which provided for the continuance and administration of the Peace Corps within ACTION, was superseded by Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, set out as a note below.

EX. ORD. NO. 12137. ADMINISTRATION OF PEACE CORPS AS AN AGENCY WITHIN ACTION

Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, provided:

By virtue of the authority vested in me by the Peace Corps Act, as amended (22 U.S.C. 2501-2523) and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

1-1. PEACE CORPS

1-101. The Peace Corps, which was established as an agency in the Department of State pursuant to Execu-

tive Order No. 10924 of March 1, 1961 (26 FR 1789) [formerly set out as a note under this section], which was continued in existence in that Department under the Peace Corps Act (the "Act") [this chapter] pursuant to Section 102 of Executive Order No. 11041 of August 6, 1962 (27 FR 7859) [formerly set out as a note under this section], and which was transferred to and continued as a component of ACTION by Executive Order No. 11603 of June 30, 1971 (36 FR 12675) [formerly set out as a note under this section], shall be an agency within ACTION pursuant to the provisions of this Order.

1-102. All references to the "Director" in Part 1-1 of this Order shall refer to the Director of the Peace Corps for whom provision is made in Section 4(a) of the Act (22 U.S.C. 2503).

1-103. Exclusive of the functions otherwise delegated by or reserved to the President by this Order, and subject to the provisions of this Order, there are hereby delegated to the Director all functions conferred upon the President by the Act [this chapter] and by Section 2(b) of Reorganization Plan No. 1 of 1971 [5 U.S.C. App.].

1-104. The function of determining the portion of living allowances constituting basic compensation, conferred upon the President by Section 201(a) of Public Law 87-293 (26 U.S.C. 912(3)), is hereby delegated to the Director and shall be performed in consultation with the Secretary of the Treasury.

1-105. The functions of prescribing regulations and making determinations (relating to appointment of Peace Corps employees in the Foreign Service System), conferred upon the President by Section 5 of Public Law 89-135 (79 Stat. 551) [probably means section 5(b) of Pub. L. 89-134, Aug. 24, 1965, 79 Stat. 551, set out as a note under section 2506 of this title], are hereby delegated to the Director.

1-106. The functions of prescribing conditions, conferred upon the President by the second sentence of Section 5(e), as amended (22 U.S.C. 2504(e)), and the third proviso of Section 6 of the Act (22 U.S.C. 2505) (relating to providing health care in Government facilities) and hereinabove delegated to the Director, shall be exercised in consultation with the head of the United States Government agency responsible for the facility.

1-107. The reports required by Section 11 of the Act, as amended (22 U.S.C. 2510), shall be prepared by the Director and submitted to the Congress through the President.

1-108. Subject to applicable provisions of law, all funds appropriated or otherwise made available to the President for carrying out the provisions of the Act [this chapter] shall be deemed to be allocated without any further action of the President to the Director or to such subordinate officer as the Director may designate. The Director or such officer may allocate or transfer, as appropriate, any of such funds to any United States Government agency or part thereof for obligation or expenditures thereby consistent with applicable law.

1-109. Nothing in this Order shall be deemed to impair or limit the powers or functions vested in the Secretary of State by the Act [this chapter].

1-110. The negotiation, conclusion, and termination of international agreements pursuant to the Act [this chapter] shall be under the direction of the Secretary of State.

1-111. Any substantial change in policies in effect on the date of this Order for the utilization of the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.], pursuant to Section 7 of the Act (22 U.S.C. 2506), shall be coordinated with the Secretary of State.

1-112. The Director shall consult and coordinate with the Director of ACTION to assure that the functions delegated to the Director by this Order are carried out consistently with the functions conferred upon the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), ("Volunteer Service Act"), Reorganization Plan No. 1 of 1971 [5 U.S.C. App.] and this Order.

1-2. The Peace Corps Advisory Council

1-201. In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), there is hereby established the Peace Corps Advisory Council.

1-202. The President shall appoint not more than 30 individuals to serve on the Council and shall designate one member as Chairperson. Members shall serve at the pleasure of the President.

1-203. The Council shall advise the President and the Director of the Peace Corps on initiatives needed to promote the purposes of the Peace Corps Act [this chapter].

1-204. The Council shall submit annually to the President, through the Director of the Peace Corps, a report on its recommendations and activities.

1-205. The Council may request any agency of the United States Government to furnish it with such information as may be useful for the fulfillment of the Council's functions under this Order. Such agencies will, to the extent permitted by law, honor the Council's request.

1-206. The members of the Council shall receive no compensation for service on the Council. Each member of the Council may receive travel expenses, including per diem in lieu of subsistence (5 U.S.C. 5702 and 5703).

1-207. The functions of the President under the Federal Advisory Committee Act [5 U.S.C. App.] which are applicable to the Council, except that of reporting annually to the Congress, shall be performed by the Director of the Peace Corps in accordance with guidelines and procedures established by the Administrator of General Services.

1-208. In accord with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), the Council shall terminate on December 31, 1980, unless extended.

1-3. Reservation of Functions to the President

1-301. There are hereby excluded from the delegations made by Section 1-1 of this Order the following powers and functions of the President:

(a) All authority conferred by Sections 4(b), 4(c)(2), 4(c)(3), 10(d), and 18 of the Act (22 U.S.C. 2503(b), (c)(2), (c)(3), 2509(d), and 2517).

(b) The authority conferred by Section 4(a) of the Act (22 U.S.C. 2503(a)) to appoint the Director and the Deputy Director of the Peace Corps.

(c) The authority conferred on the President by Section 5(f)(1)(B) of the Act (22 U.S.C. 2504(f)(1)(B)).

(d) The authority conferred by Section 10(f) of the Act (22 U.S.C. 2509(f)) to direct any agency of the United States Government to provide services, facilities, and commodities to officers carrying out functions under the Act [this chapter].

(e) The authority conferred by Section 19 of the Act (22 U.S.C. 2518) to adopt and alter an official seal or emblem of the Peace Corps.

1-4. Incidental Provisions

1-401. Persons appointed, employed, or assigned under Section 7(a) of the Act (22 U.S.C. 2506(a)) shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by Section 528 of the Foreign Service Act of 1946 (22 U.S.C. 928) in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

1-402. Pursuant to Section 10(d) of the Act (22 U.S.C. 2509(d)), it is hereby determined to be in furtherance of the purposes of the Act [this chapter] that functions authorized thereby may be performed without regard to the applicable laws specified in Section 1 and 2 of Executive Order No. 11223 of May 12, 1965 [22 U.S.C. 2393 note], and with or without consideration as specified in Section 3 of that Order, but subject to the limitations set forth in that Order.

1-403. As used in this Order, the words "Volunteers," "functions," "United States," and "United States Government agency" shall have the same meanings, respectively, as they have under the Act [this chapter].

1-5. National Voluntary Action Program

1-501. The National Voluntary Action Program to encourage and stimulate more widespread and effective voluntary action for solving public domestic problems, established in the Executive Branch of the Government by Section 1 of Executive Order No. 11470 of May 26, 1969 [formerly set out as a note under section 2701 of Title 42, the Public Health and Welfare], is continued in ACTION. That program shall supplement corresponding action by private and other non-Federal organizations such as the National Center for Voluntary Action. As used in this Order, the term "voluntary action" means the contribution or application of non-governmental resources of all kinds (time, money, goods, services, and skills) by private and other organizations of all types (profit and nonprofit, national and local, occupational, and altruistic) and by individual citizens.

1-6. Director of ACTION

1-601. In addition to the functions vested in the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C., Section 4951 et seq.), Reorganization Plan No. 1 of 1971 [5 U.S.C. App.], and Section 1-401 of this Order, the Director of ACTION shall:

(a) Encourage local, national and international voluntary activities directed toward the solution or mitigation of community problems.

(b) Provide for the development and operation of a clearinghouse for information on Government programs designed to foster voluntary action.

(c) Initiate proposals for the greater and more effective application of voluntary action in connection with Federal programs, and coordinate, as consistent with law, Federal activities involving such action.

(d) Make grants of seed money, as authorized by law, for stimulating the development or deployment of innovative voluntary action programs directed toward community problems.

1-602. The head of each Federal department and agency, or a designated representative, when so requested by the Director of ACTION or the Director of the Peace Corps, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this Order, the Domestic Volunteer Service Act of 1973 [42 U.S.C. 4951 et seq.] and Reorganization Plan No. 1 of 1971 [5 U.S.C. App.].

1-603. The head of each Federal department or agency shall, when so requested by the Director of ACTION, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning voluntary action.

1-604. The head of each Federal department or agency, or a designated representative, shall keep the Director of ACTION informed of proposed budgets, plans, and programs of that department or agency affecting voluntary action programs.

1-605. Under the direction of the President and subject to the responsibilities of the Secretary of State, the Director of ACTION shall be responsible for the general direction of those ACTION functions, which jointly serve ACTION domestic volunteer components and the Peace Corps, and for advising the Director of the Peace Corps to ensure that the functions delegated under this Order to the Director of the Peace Corps are carried out.

1-7. General Provisions

1-701. Except to the extent that they may be inconsistent with this Order, all determinations, authorizations, regulations, rulings, certifications, orders, directives, contracts, agreements, and other actions made, issued or entered into with respect to any function affected by this Order and not revoked, superseded, or otherwise made inapplicable before the effective date of this Order shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1-702. Except as otherwise expressly provided herein, nothing in this Order shall be construed as subjecting any department, establishment, or other instrumentality of the Executive Branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other agency or head or as abrogating, modifying, or restricting any such function in any manner.

1-703. So much of the personnel, property, records, and unexpended balances or appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions assigned to the Director of the Peace Corps or to the Director of ACTION by this Order as the Director of the Office of Management and Budget shall determine, shall be transferred to the Director of the Peace Corps or the Director of ACTION at such time or times as the Director of the Office of Management and Budget shall direct.

1-704. To the extent permitted by law, such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the provisions of this Order shall be carried out by such agencies as the Director of the Office of Management and Budget shall specify.

1-705. The authority conferred by Sections 1-703 and 1-704 of this Order shall supplement, not limit, the provisions of Section 1-108 of this Order.

1-706. Executive Order Nos. 11041, 11250, 11470 and 11603 are hereby superseded.

1-707. This Order shall become effective May 16, 1979.

Jimmy Carter.

§ 2501a. Voluntary service programs

[*See main edition for text of* (a)]

(b) Limitations on executive activities and use of funds

(1) Activities carried out by the President in furtherance of the purposes of clauses (1) and (2) of subsection (a) of this section shall be limited to—

(A) furnishing technical assistance, materials, tools, supplies, and training appropriate to the support of volunteer programs in such countries or areas; and

(B) conducting demonstration projects in such countries or areas.

None of the funds made available to carry out the purposes of clauses (1) and (2) of subsection (a) of this section may be used to pay the administrative costs of any program or project, other than a demonstration project, or to assist any program or project of a paramilitary or military nature. Funds allocated for activities set forth in this paragraph should be kept to a minimum so that such allocation will not be detrimental to other Peace Corps programs and activities.

(2) Not more than 2 per centum of the amount appropriated to the Peace Corps for a fiscal year may be used in such fiscal year to carry out the provisions of clause (3) of subsection (a) of this section. Such funds may be contributed to educational institutions, private vol-

untary organizations, international organizations, and foreign governments or agencies thereof, to pay a fair and proportionate share of the costs of encouraging the development of, and participation in, international voluntary programs and activities.

[See main edition for text of (c)]

(As amended Pub. L. 95-331, §§ 7, 8(a), Aug. 2, 1978, 92 Stat. 415, 416.)

AMENDMENTS

1978—Subsec. (b)(1). Pub. L. 95-331, § 7, substituted provisions limiting activities to furnishing technical assistance, etc., in support of volunteer programs, and conducting demonstration projects and provisions relating to payment of costs of any program or project for provisions limiting activities to furnishing of knowledge and skills relating to the selection, training, and programming of voluntary manpower and provisions relating to use of available funds.

Subsec. (b)(2). Pub. L. 95-331, § 8(a), substituted provisions authorizing use of 2 per centum of amount appropriated in a fiscal year for provisions authorizing use of $350,000 in a fiscal year.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 8(b) of Pub. L. 95-331 provided that: "The amendment made by subsection (a) [amending subsec. (b)(2) of this section] shall take effect on October 1, 1978."

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the Peace Corps by section 1-103 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, eff. May 16, 1979, set out as a note under section 2501 of this title.

§ 2502. Presidential authorization; appropriations and financial readjustments

[See main edition for text of (a)]

(b) Appropriations; limitations on contracts for research; prohibition on use of funds for Volunteers to America program

There are authorized to be appropriated to carry out the purposes of this chapter for fiscal year 1980 not to exceed $105,404,000: *Provided, however,* That not to exceed $500,000 of funds made available hereunder for fiscal year 1967 shall be obligated under contracts or agreements to carry out research: *Provided further,* That no such contracts or agreements shall be executed unless the research in question relates to the basic responsibilities of the Peace Corps. Unobligated balances of funds made available hereunder are hereby authorized to be continued available for the general purposes for which appropriated and may at any time be consolidated with appropriations hereunder. None of the funds authorized to carry out the purposes of this chapter shall be used to carry out the Volunteers to America Program conducted under the Mutual Educational and Cultural Exchange Act of 1961, as amended [22 U.S.C. 2451 et seq.], or any similar program involving the service or training of foreign nationals in the United States.

(c) Appropriations for increases in salary, pay, etc.

In addition to the amount authorized to be appropriated by subsection (b) of this section to carry out the purposes of this chapter, there are authorized to be appropriated for increases in salary, pay, retirement, or other employee benefits authorized by law, for fiscal year 1980, such sums as may be necessary.

[See main edition for text of (d) to (f)]

(g) Integration of women into national economics

In recognition of the fact that women in developing countries play a significant role in economic production, family support, and the overall development process, the Peace Corps shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economics of developing countries, thus improving their status and assisting the total development effort.

(As amended Pub. L. 95-102, §§ 1, 2, Aug. 15, 1977, 91 Stat. 841; Pub. L. 95-331, § 3, Aug. 2, 1978, 92 Stat. 414; Pub. L. 96-53, title III, § 301, Aug. 14, 1979, 93 Stat. 370.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) to (d), was in the original this Act, meaning Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

AMENDMENTS

1979—Subsec. (b). Pub. L. 96-53, § 301(1), substituted provisions authorizing to be appropriated for fiscal year 1980 not to exceed $105,404,000, for provisions authorizing to be appropriated for fiscal year 1978 not to exceed $86,544,000, and for fiscal year 1979 not to exceed $112,424,000, and setting forth availability of funds for the United Nations contributions by the Corps.

Subsec. (c). Pub. L. 96-53, § 301(2), substituted "1980" for "1978, $1,069,000, and for fiscal year 1979".

1978—Subsec. (b). Pub. L. 95-331, § 3(1), substituted provisions authorizing to be appropriated for fiscal year 1978 not to exceed $86,544,000 and for fiscal year 1979 not to exceed $112,424,000 and limitation with respect to volunteer program, for provisions authorizing to be appropriated for fiscal year 1978 not to exceed $82,900,000.

Subsec. (c). Pub. L. 95-331, § 3(2), added provisions increasing 1978 appropriation from $1,000,000 to $1,069,000, and provisions authorizing to be appropriated such sums as necessary for fiscal year 1979.

Subsec. (g). Pub. L. 95-331, § 3(3), added subsec. (g).

1977—Subsec. (b). Pub. L. 95-102, § 1, substituted provisions authorizing appropriations for fiscal year 1978 not to exceed $82,900,000 for provisions authorizing appropriations for fiscal year 1976 not to exceed $88,468,000, for the period July 1, 1976, through Sept. 30, 1976, not to exceed $27,887,800, for fiscal year 1977 not to exceed $81,000,000.

Subsec. (c). Pub. L. 95-102, § 2, substituted provisions authorizing additional appropriations for fiscal year 1978 of $1,000,000 for increases in salary, pay, etc., for provisions authorizing additional appropriations for fiscal year 1976 and the period July 1, 1976, through Sept. 30, 1976, not in excess of $1,000,000, and for fiscal year 1977 such sums as may be necessary for increases in salary, pay, etc.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 3 of Pub. L. 95-102 provided that: "The amendments made by this Act [amending subsecs. (b) and (c) of this section] shall take effect on October 1, 1977."

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Functions of the President under this section were delegated to and funds available to the President under this chapter were allocated to the Director of the Peace Corps by sections 1-103 and 1-108 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, eff. May 16, 1979, set out as a note under section 2501 of this title.

§ 2503. Director and Deputy Director; delegation of functions

DELEGATION OF FUNCTIONS

Functions of the President under subsecs. (c)(1), (4), (d) of this section were delegated to the Director of the Peace Corps by sections 1-103 and 1-301(a), (b) of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, eff. May 16, 1979, set out as a note under section 2501 of this title.

§ 2504. Peace Corps volunteers

[See main edition for text of (a) and (b)]

(c) Readjustment allowances

Volunteers shall be entitled to receive a readjustment allowance at a rate not to exceed $125 for each month of satisfactory service as determined by the President. The readjustment allowance of each volunteer shall be payable on his return to the United States: *Provided, however,* That, under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of his family or others, during the period of his service, or prior to his return to the United States. In the event of the volunteer's death during the period of his service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582(b) of title 5. For purposes of the Internal Revenue Code of 1954, a volunteer shall be deemed to be paid and to receive each amount of a readjustment allowance to which he is entitled after December 31, 1964, when such amount is transferred from funds made available under this chapter to the fund from which such readjustment allowance is payable.

[See main edition for text of (d) to (g)]

(h) Tort claims; absentee voting; general average contributions for transportation of baggage; check cashing and currency exchange; claims for overpayment of pay; passport fees; malpractice protection

Volunteers shall be deemed employees of the United States Government for the purposes of the Federal Tort Claims Act and any other Federal tort liability statute, the Federal Voting Assistance Act of 1955 [42 U.S.C. 1973cc et seq.], section 492a of title 31, section 5584 of title 5 (and readjustment allowances paid under this chapter shall be considered as pay for purposes of such section), and section 214 of this title. The provisions of section 817 of this title, relating to malpractice protection, shall apply to volunteers, and the Director of ACTION shall have the authority granted to the Secretary of State in subsection (f) of such section. For purposes of subsection (g) of such section, a Peace Corps representative shall be deemed to be a principal representative of the United States.

[See main edition for text of (i) to (n)]

(As amended Pub. L. 95-331, § 4, Aug. 2, 1978, 92 Stat. 414.)

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-331, § 4(1), struck out provisions relating to allowances for volunteers with minor children at the time of their entering a period of pre-enrollment training.

Subsec. (h). Pub. L. 95-331, § 4(2), added provisions relating to applicability of malpractice protection.

DELEGATION OF FUNCTIONS

Functions of the President under this section, except those under subsec. (f)(1)(B), were delegated to the Director of the Peace Corps, with the function of prescribing conditions in subsec. (e) of this section to be exercised in consultation with the head of the agency responsible for the facility, by sections 1-103, 1-106, and 1-301(c) of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, eff. May 16, 1979, set out as a note under section 2501 of this title.

Section 102(d) of Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, set out as a note under section 2501 of this title, which delegated certain functions of the President under the second sentence of subsec. (e) of this section to the Director of ACTION [now Action Agency] was superseded by section 1-706 of Ex. Ord. No. 12137.

Section 104 of Ex. Ord. No. 11603, which delegated certain functions of the President under subsec. (f)(1)(B) of this section to the Secretary of State and Director of the Office of Personnel Management was superseded by section 1-706 of Ex. Ord. No. 12137.

EX. ORD. NO. 11103. APPOINTMENT OF FORMER VOLUNTEERS TO CIVILIAN CAREER SERVICES

Ex. Ord. No. 11103, Apr. 10, 1963, 28 F.R. 3571, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

[See main edition for text of first par.]

SECTION 1. Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the Executive Branch may appoint in the competitive service any person who is certified by the Director of the Peace Corps as having served satisfactorily as a Volunteer or Volunteer Leader under the Peace Corps Act [see Short Title note set out under section 2501 of this title] and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

[See main edition for text of Secs. 2 to 5]

§ 2505. Peace Corps volunteer leaders; number; applicability of chapter; benefits

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the Peace Corps with the functions relating to providing health care in government facilities under clause (3) of this section to be exercised in consultation with the head of the agency responsible for the facility by sections 1-103 and 1-106 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, eff. May 16, 1979, set out as a note under section 2501 of this title.

§ 2506. Peace Corps employees

(a) Foreign employment; compensation, allowances, and benefits; utilization of Presidential authority respecting Foreign Service; additional compensation and differentials; additional governmental employment by person receiving Foreign Service Reserve or staff appointment or assignment

[*See main edition for text of (1) to (3)*]

(4) Until such time as the Congress enacts Foreign Service personnel reform legislation which amends or otherwise supersedes this paragraph, a person who has received a Foreign Service Reserve or staff appointment or assignment under this subsection may, not later than three years after the effective date of this paragraph or after separation from such appointment or assignment, whichever is later, be appointed to a position in any United States department, agency, or establishment—

(A) in the competitive service under title 5 without competitive examination and in accordance with such regulations and conditions consistent with this subsection as may be prescribed by the Director of the Office of Personnel Management, or

(B) in an established merit system in the excepted service,

if such person (i) served satisfactorily under the authority of this subsection, as certified by the President, for not less than thirty-six months on a substantially continuous basis, and (ii) is qualified for the position in question.

[*See main edition for text of (b) and (c)*]

(As amended Pub. L. 96-53, title III, § 302, Aug. 14, 1979, 93 Stat. 371.)

REFERENCES IN TEXT

The effective date of this paragraph, referred to in subsec. (a)(4), probably means the effective date of Pub. L. 96-53, Aug. 14, 1979, 93 Stat. 359, section 302 of which added subsec. (a)(4) and which became effective Oct. 1, 1979, see Effective Date of 1979 Amendment note below.

AMENDMENTS

1979—Subsec. (a)(4). Pub. L. 96-53 added par. (4).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the Peace Corps by section 1-103 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, eff. May 16, 1979, set out as a note under section 2501 of this title.

COORDINATION OF CHANGES IN POLICY WITH SECRETARY OF STATE

Any substantial changes in policies in effect on May 16, 1979, for the utilization of the Foreign Service Act (§ 801 et seq. of this title) pursuant to this section are to be coordinated with the Secretary of State, see section 1-111 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, set out as a note under section 2501 of this title.

BENEFITS FOR PERSONS APPOINTED OR ASSIGNED UNDER SUBSEC. (a)

Persons appointed, employed, or assigned under subsec. (a) of this section are not, unless otherwise agreed by the agency in which such benefits may be exercised, entitled to the benefits provided by section 928 of this title in cases in which their service under the appointment, employment, or assignment exceeds thirty months, see section 1-401 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, set out as a note under section 2501 of this title.

TRANSFER OF WASHINGTON HEADQUARTERS PERSONNEL FROM CIVIL SERVICE TO FOREIGN SERVICE APPOINTMENTS

Section 5(b) of Pub. L. 89-134 provided that:

[*See main edition for text of Sec. 5(b)*]

Functions of the President conferred by section 5(b) of Pub. L. 89-134, set out in the main edition, to prescribe regulations and make determinations (relating to appointment of Peace Corps Employees in the Foreign Service System) were delegated to the Director of the Peace Corps, by section 1-105 of Ex. Ord. No. 12137, May 16, 1976, 44 F.R. 29023, set out as a note under section 2501 of this title. Such functions were previously transferred from the President to the Director of ACTION [now Action Agency] by section 102(c) of Ex. Ord. No. 11603, June 30, 1971, 36 F.R. 12675, set out as a note under section 2501 of this title, which was superseded by section 1-707 of Ex. Ord. No. 12137.

§§ 2507, 2508

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the Peace Corps by section 1-103 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, eff. May 16, 1979, set out as a note under section 2501 of this title.

§ 2509. Presidential powers and authorities

(a) Contract authority; assignment of volunteers; acceptance of voluntary services and gifts and transfers of property; personal service contracts

In furtherance of the purposes of this chapter, the President may—

[*See main edition for text of (1)*]

(2) assign volunteers in special cases to temporary duty with international organizations and agencies when the Secretary of State determines that such assignment would serve the purposes of this chapter;

(3) assign volunteers to duty or otherwise make them available to any entity referred to in paragraph (1), in order to assist such organizations and agencies in providing development or other relief assistance to displaced persons and refugees in any country, if the government of the country agrees to such assignment;

(4) accept in the name of the Peace Corps and employ or transfer in furtherance of the purposes of this chapter (A) voluntary services notwithstanding the provisions of section 665(b) of title 31, and (B) and money or property (real, personal or mixed, tangible or intangible) received by gift, devise, bequest, or otherwise; and

(5) contract with individuals for personal services abroad, and with aliens (abroad or

within the United States) for personal services within the United States: *Provided*, That no such person shall be deemed an officer or employee or otherwise in the service or employment of the United States Government for any purpose.

(b) Claim settlements

Notwithstanding any other provision of law, whenever the President determines that it will further the purposes of this chapter, the President, under such regulations as he may prescribe, may settle and pay, in an amount not exceeding $20,000, any claim against the United States, for loss of or damage to real or personal property (including loss of occupancy or use thereof) belonging to, or for personal injury or death of, any person not a citizen or resident of the United States, where such claim arises abroad out of the act or omission of any Peace Corps employee or out of the act or omission of any volunteer, but only if such claim is presented in writing within one year after it accrues. Any amount paid in settlement of any claim under this subsection shall be accepted by the claimant in full satisfaction thereof and shall bar any further action or proceeding thereon.

[*See main edition for text of* (c) *to* (g)]

(h) Hospitalization and medical treatment for Foreign Service local employees

The President may provide hospitalization and medical treatment to Foreign Service local employees who are within the United States for training related to their employment under this chapter, for illnesses, injuries, or conditions other than those arising out of and in the course of employment, which, in the judgment of the President, began during such employee's travel related to such training or so near to the beginning of such travel that the onset of the illness, injury, or condition could not have been known, and for which immediate medical treatment or hospitalization is reasonably required.

(As amended Pub. L. 95-331, § 5(a), (c), Aug. 2, 1978, 92 Stat. 414, 415.)

AMENDMENTS

1978—Subsec. (a)(2). Pub. L. 95-331, § 5(a)(1), struck out proviso limiting to no more than 125 Peace Corps volunteers or volunteer leaders the number assignable to the described organizations.

Subsec. (a)(3). Pub. L. 95-331, § 5(c)(1), added subsec. (a)(3). Former subsec. (a)(3) was redesignated as (a)(4).

Subsec. (a)(4), (5). Pub. L. 95-331, § 5(c)(2), redesignated former subsec. (a)(3) and (4) as (a)(4) and (5), respectively.

Subsec. (b). Pub. L. 95-331, § 5(a)(2), substituted "$20,000" for "$10,000".

Subsec. (h). Pub. L. 95-331, § 5(a)(3), added subsec. (h).

EFFECTIVE DATE OF 1978 AMENDMENT

Section 5(b) of Pub. L. 95-331 provided that: "The amendment made by paragraph (2) of subsection (a) [amending subsec. (b) of this section] shall apply to claims made after the date of the enactment of this Act [Aug. 2, 1978]."

DELEGATION OF FUNCTIONS; ALLOCATION OF FUNDS

Funds available to the President under this chapter were allocated to and functions of the President under this section, except subsec. (d) and those functions under subsec. (f) relating to directing agencies to provide services, facilities, and commodities to officers carrying out functions under this chapter, were delegated to the Director of the Peace Corps by sections 1-103 and 1-301(a), (d) of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29203, eff. May 16, 1979, set out as a note under section 2501 of this title.

WAIVER OF CERTAIN LAWS BY PRESIDENT UNDER SUBSEC. (d)

For determination under subsec. (d) of this section that it is in the furtherance of the purposes of this chapter and that the functions under this chapter may be performed without regard to the applicable laws specified in section 1 and 2 of Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, set out as a note under section 2393 of this title, with certain limitations see section 1-402 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29203, set out as a note under section 2501 of this title.

§ 2510. Reports to Congress

The President shall transmit to the Congress, at least once in each fiscal year, a report on operations under this chapter. Each report shall contain information describing efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

(1) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organization; and

(2) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organization.

(As amended Pub. L. 95-331, § 6, Aug. 2, 1978, 92 Stat. 415.)

AMENDMENTS

1978—Pub. L. 95-331 added provisions relating to reporting requirements for efforts undertaken to improve coordination of Peace Corps activities with voluntary service organizations.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the Peace Corps with the reports to be prepared by the Director and submitted through the President by sections 1-103 and 1-107 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, eff. May 16, 1979, set out as a note under section 2501 of this title.

§§ 2512, 2513

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the Peace Corps by section 1-103 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, eff. May 16, 1979, set out as a note under section 2501 of this title.

§ 2518. Seal and name

DELEGATION OF FUNCTIONS

Functions of the President under this section, except the authority to adopt and alter an official seal or emblem, were delegated to the Director of the

Peace Corps by section 1-103 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, eff. May 16, 1979, set out as a note under section 2501 of this title.

§ 2519. Security investigations

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the Peace Corps by section 1-103 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, eff. May 16, 1979, set out as a note under section 2501 of this title.

CHAPTER 35—ARMS CONTROL AND DISARMAMENT

SUBCHAPTER II—ORGANIZATION

Sec.
2567. Special Representative for Arms Control and Disarmament Negotiations; appointment; powers and duties [New].

SUBCHAPTER III—FUNCTIONS

2577. Verification of Arms Control Agreements [New].
(a) Report to Congress.
(b) Assumptions as to impeding of verification.
(c) Disclosure of sensitive information.

SUBCHAPTER I—GENERAL PROVISIONS

§ 2551. Congressional statement of purpose

SHORT TITLE OF 1977 AMENDMENT

Pub. L. 95-108, § 1, Aug. 17, 1977, 91 Stat. 871, provided that: "This Act [which enacted sections 2567 and 2577 of this title and amended sections 2571, 2581, and 2589 of this title and section 5315 of Title 5, Government Organization and Employees] may be cited as the 'Arms Control and Disarmament Act Amendments of 1977'."

SUBCHAPTER II—ORGANIZATION

§ 2562. Director of Agency; appointment; powers and duties

The Agency shall be headed by a Director, who shall serve as the principal adviser to the Secretary of State, the National Security Council, and the President on arms control and disarmament matters. In carrying out his duties under this chapter the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters, as defined in this chapter. He shall be appointed by the President, by and with the advice and consent of the Senate. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director.

(As amended Pub. L. 96-66, § 1(a), Sept. 21, 1979, 93 Stat. 414.)

AMENDMENTS

1979—Pub. L. 96-66 barred appointment of an active duty commissioned officer of the Armed Forces as the Director.

§ 2563. Deputy Director of Agency; appointment; powers and duties

A Deputy Director of the Agency shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe. He shall act for, and exercise the powers of, the Director during his absence or disability or during a vacancy in said office. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Deputy Director.

(As amended Pub. L. 96-66, § 1(b), Sept. 21, 1979, 93 Stat. 414.)

AMENDMENTS

1979—Pub. L. 96-66 barred appointment of an active duty commissioned officer of the Armed Forces as the Deputy Director.

§ 2567. Special Representative for Arms Control and Disarmament Negotiations; appointment; powers and duties

The President may appoint, by and with the advice and consent of the Senate, a Special Representative for Arms Control and Disarmament Negotiations who shall perform such duties and exercise such powers (under the direction of the President and the Secretary of State, acting through the Director) as the Director may prescribe with respect to international arms control and disarmament negotiations and matters relating thereto.

(Pub. L. 87-297, title II, § 27, as added Pub. L. 95-108, § 2(a), Aug. 17, 1977, 91 Stat. 871.)

SUBCHAPTER III—FUNCTIONS

§ 2571. Research, development and other studies

The Director is authorized and directed to exercise his powers in such manner as to insure the acquisition of a fund of theoretical and practical knowledge concerning disarmament. To this end, the Director is authorized and directed, under the direction of the President, (1) to insure the conduct of research, development, and other studies in the field of arms control and disarmament; (2) to make arrangements (including contracts, agreements, and grants) for the conduct of research, development, and other studies in the field of arms control and disarmament by private or public institutions or persons; and (3) to coordinate the research, development, and other studies conducted in the field of arms control and disarmament by or for other Government agencies in accordance with procedures established under section 2575 of this title. In carrying out his responsibilities under this chapter, the Director shall, to the maximum extent feasible, make full use of available facilities, Government and private. The authority of the Director with respect to research, development, and other studies shall be limited to participation in the following insofar as they relate to arms control and disarmament:

[*See main edition for text of* (a) *to* (m)]

(As amended Pub. L. 95-108, § 3, Aug. 17, 1977, 91 Stat. 871.)

AMENDMENTS

1977—Pub. L. 95-108 struck out "United States" preceding "private" in cl. (2) of opening paragraph.

§ 2575. Coordination of Government agencies and resolution of policy differences

ABOLITION OF THE ATOMIC ENERGY COMMISSION

The Atomic Energy Commission was abolished and all functions were transferred to the Administrator of the Energy Research and Development Administration (unless otherwise specifically provided) by section 5814 of Title 42, The Public Health and Welfare. The Energy Research and Development Administration was terminated and functions vested by law in the Administrator thereof were transferred to the Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of Title 42.

§ 2576. Arms control impact information and analysis

(a) Access by Director to detailed information of Government agencies preparing legislative or budgetary proposals; nature of proposals; applicable procedures

In order to assist the Director in the performance of his duties with respect to arms control and disarmament policy and negotiations, any Government agency preparing any legislative or budgetary proposal for—

[*See main edition for text of (1) and (2)*]

(3) any other program involving technology with potential military application or weapons systems which such Government agency or the Director believes may have a significant impact on arms control and disarmament policy or negotiations,

shall, on a continuing basis, provide the Director with full and timely access to detailed information, in accordance with the procedures established pursuant to section 2575 of this title, with respect to the nature, scope, and purpose of such proposal.

(b) Program assessment, analysis and recommendations by Director to National Security Council, Office of Management and Budget, and proposing agency; requests for authorization or appropriation; contents; information requested by select Congressional committees

[*See main edition for text of (1)*]

(2) No request to the Congress for authorizations or appropriations for—

(A) any program described in subsection (a)(1) or (2) of this section, or

(B) any program described in subsection (a)(3) of this section and found by the National Security Council, on the basis of the advice and recommendations received from the Director, to have a significant impact on arms control and disarmament policy or negotiations,

shall be transmitted without a complete statement analyzing the impact of such program, either as an individual program or as an aggregation of related programs, on arms control and disarmament policy and negotiations. Any such statement transmitted in classified form shall be accompanied by an unclassified version thereof.

(3) Upon the request of the Committee on Armed Services of the Senate or the House of Representatives, the Committee on Appropriations of the Senate or the House of Representatives, the Committee on Foreign Relations of the Senate, or the Committee on Foreign Affairs of the House of Representatives or the Joint Committee on Atomic Energy, the Director shall, after informing the Secretary of State, advise such committee on the arms control and disarmament implications of any program with respect to which a statement has been submitted to the Congress pursuant to paragraph (2).

[*See main edition for text of (c)*]

(As amended Pub. L. 95-338, § 1, Aug. 8, 1978, 92 Stat. 458; H. Res. 89, Feb. 5, 1979.)

AMENDMENTS

1978—Subsec. (a)(3). Pub. L. 95-338, § 1(1), substituted "technology with potential military application or weapons systems" for "weapons systems or technology".

Subsec. (b)(2). Pub. L. 95-338, § 1(2), added provisions requiring requests to be transmitted either as an individual program or as an aggregation of related programs, and classification requirements for transmitted statements.

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

ABOLITION OF THE JOINT COMMITTEE ON ATOMIC ENERGY

The Joint Committee on Atomic Energy, referred to in subsec. (b)(3), was abolished by section 2258 of Title 42, The Public Health and Welfare and references to the Joint Committee are deemed, on or after Sept. 20, 1977, to refer to the committees of the Senate or House of Representatives which, under the rules of the Senate or House, have jurisdiction over the subject matter with records and files of the Joint Committee being transferred to the respective committees of the House or Senate.

§ 2577. Verification of Arms Control Agreements

(a) Report to Congress

It is the sense of the Congress that adequate verification of compliance should be an indispensable part of any international arms control agreement. In recognition of such policy and in order to assure that arms control proposals made or accepted by the United States can be adequately verified, the Director shall report to the Congress, on a timely basis, or upon a request by an appropriate committee of the Congress—

(1) in the case of each element of any significant arms control proposal made to a foreign country by the United States, or made to the United States by a foreign country, the determination of the Director as to the degree to which such element can be verified by existing national technical means;

(2) in the case of any arms control agreement or treaty that has entered into force, any significant degradation or alteration in the capacity of the United States to verify the various components of such agreement or treaty;

(3) the number of professional personnel assigned to arms control verification on a full-time basis by each Government agency; and

(4) the amount and percentage of research funds expended by the Agency for the purpose of analyzing issues relating to arms control verification.

(b) Assumptions as to impeding of verification

For purposes of paragraphs (1) and (2) of subsection (a) of this section, the Director shall assume that all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

(c) Disclosure of sensitive information

Except as otherwise provided by law, nothing in this section shall be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods or persons employed in the verification of compliance with arms control agreements.

(Pub. L. 87-297, title III, § 37, as added Pub. L. 95-108, § 4, Aug. 17, 1977, 91 Stat. 871.)

SUBCHAPTER IV—ADDITIONAL GENERAL PROVISIONS

§ 2581. General authority of Director

In the performance of his functions, the Director is authorized to—

[*See main edition for text of* (a)]

(b) Employment of personnel

appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5 governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that during the 2-year period beginning on August 17, 1977, the Director may, to the extent he deems necessary to the discharge of his responsibilities, appoint and fix the compensation of officers and employees for the Agency without regard to such provisions, subject to the following requirements:

(1) an officer or employee whose compensation is fixed under the foregoing exception may not be paid a salary at a rate in excess of the rate payable under such chapter 51 and such subchapter III for positions of equivalent difficulty or responsibility except for (A) those officers and employees whose compensation is fixed by law, and (B) scientific and technical personnel who may be compensated at a rate not to exceed the rate in effect for grade GS-18 of the General Schedule;

(2) the Director shall make adequate provision for administrative review of any determination to suspend or dismiss any officer or employee appointed under the foregoing exception; and

(3) an officer or employee of the Agency serving under a career or career conditional appointment on August 17, 1977, may not be involuntarily deprived, while employed by the Agency, of any rights normally granted such officer or employee in the competitive service;

[*See main edition for text of* (c) *to* (f)]

(g) Travel and subsistence expenses from private sources; reimbursement

permit, under such terms and conditions as he may prescribe, any officer or employee of the Agency, in connection with the attendance by such officer or employee at meetings or in performing advisory services concerned with the functions or activities of the Agency, to accept payment, in cash or in kind, from any private agency or organization, or from any individual affiliated with such agency or organization, for travel and subsistence expenses, such payment to be retained by such officer or employee to cover the cost thereof or to be deposited to the credit of the appropriation from which the cost thereof is paid;

(h) Delegation of functions

delegate, as appropriate, to the Deputy Director or other officers of the Agency, any authority conferred upon the Director by the provisions of this chapter; and

(i) Rules and regulations

make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary or desirable to the exercise of any authority conferred upon the Director by the provisions of this chapter.

(As amended Pub. L. 95-108, § 5, Aug. 17, 1977, 91 Stat. 872.)

REFERENCES IN TEXT

The provisions of title 5 governing appointment to the competitive service, referred to in subsec. (b), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5.

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-108, § 5(a), incorporated existing provisions into introductory paragraph, and as so incorporated, revised terminology to reflect current classification of civil service laws, etc., and added provisions authorizing the Director to appoint and fix compensation of officers and employees of the agency, without regard to the provisions of title 5, during a two-year period beginning Aug. 17, 1977, and added pars. (1) to (3).

Subsec. (g). Pub. L. 95-108, § 5(b)(2), added subsec. (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 95-108, § 5(b)(1), redesignated former subsec. (g) as (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 95-108, § 5(b)(1), redesignated former subsec. (h) as (i).

§ 2585. Security requirements

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

ABOLITION OF THE ATOMIC ENERGY COMMISSION

The Atomic Energy Commission was abolished and all functions were transferred to the Administrator of the Energy Research and Development Administra-

tion (unless otherwise specifically provided) by section 5814 of Title 42, The Public Health and Welfare. The Energy Research and Development Administration was terminated and functions vested by law in the Administrator thereof were transferred to the Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of Title 42.

§ 2587. Transfer of activities and facilities to Agency; report to Congress; approval

REFERENCES IN TEXT

Section 913 of title 5, referred to in subsec. (b), was omitted from the Code in the general reenactment and revision of chapter 9 of Title 5, Government Organization and Employees, by Pub. L. 95-17, Apr. 6, 1977, 91 Stat. 29, and covered in part by section 912 of Title 5.

§ 2589. Appropriations

(a) Limitations and availability

To carry out the purposes of this chapter, there are authorized to be appropriated—

(1) for the fiscal year 1980, $18,876,000, and

(2) for the fiscal year 1981, $20,645,000,

and such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection are authorized to remain available until expended.

[See main edition for text of (b) and (c)]

(d) Requests for authorization of appropriations to be accompanied by detailed budget for bureaus; required contents of budget

Beginning with its request to the Congress for an authorization of appropriations for the fiscal year 1980, and with such request for each fiscal year thereafter, the Agency shall accompany such request with a detailed budget for each bureau and functional category within each bureau, which budget shall set forth and justify obligations and outlays for the fiscal year for which such request is made and for the fiscal year preceding and next following such year.

(As amended Pub. L. 95-108, § 6, Aug. 17, 1977, 91 Stat. 873; Pub. L. 95-338, §§ 2, 3, Aug. 8, 1978, 92 Stat. 458, 459; Pub. L. 96-66, § 2(a), Sept. 21, 1979, 93 Stat. 414.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-66 authorized appropriation of $18,876,000 and $20,645,000 for fiscal years 1980, and 1981, authorized additional amounts for listed uses, including provision to offset adverse fluctuations in foreign currency exchange rates, and deleted appropriation authorization of $18,395,000 for fiscal year 1979 and authorization of additional amounts, $1,000,000 to be available for purpose of furthering nuclear safeguards programs and activities of the International Atomic Energy Agency and necessary sums for study of arms control centers at academic institutions to be reported to Congress no later than Jan. 31, 1979.

1978—Subsec. (a). Pub. L. 95-338, § 2, substituted provisions respecting amounts appropriated for fiscal year 1979, limitations on use of such sums, and availability of such sums for reporting requirements and for other purposes, for provisions respecting amounts appropriated for fiscal years 1976 through 1978, and limitations on use of such sums.

Subsec. (d). Pub. L. 95-338, § 3, added subsec. (d).

1977—Subsec. (a). Pub. L. 95-108 substituted provisions authorizing appropriations of $16,600,000 for fiscal year 1978 of which $2,000,000 shall be used only for furthering the nuclear safeguards programs and activities for provisions authorizing appropriations of not to exceed $10,000,000 to carry out the purposes of this chapter and an additional $20,000,000 for fiscal years 1964 and 1965, $30,000,000 for the three fiscal years 1966 through 1968, $18,500,000 for the two fiscal years 1969 through 1970, $17,500,000 for the two fiscal years 1971 and 1972, $22,000,000 for the two fiscal years 1973 and 1974, and $10,100,000 for the fiscal year 1975 and provision that not more than $7,000,000 of the funds appropriated for the fiscal years 1969 through 1970 may be used for research, development, and other studies conducted outside the agency.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 2(b) of Pub. L. 96-66 provided that: "The amendment made by subsection (a) [amending subsec. (a) of this section] shall take effect on October 1, 1979."

EFFECTIVE DATE OF 1978 AMENDMENT

Section 4 of Pub. L. 95-338 provided that: "The amendment made by section 2 [amending subsec. (a) of this section] shall take effect on October 1, 1978."

CHAPTER 36—MIGRATION AND REFUGEE ASSISTANCE

§ 2601. Refugees and migration

INDOCHINA MIGRATION AND REFUGEE ASSISTANCE

Pub. L. 94-23, §§ 1 to 4, May 23, 1975, 89 Stat. 87, as amended by Pub. L. 94-313, June 21, 1976, 90 Stat. 691; Pub. L. 95-145, title II, §§ 201, 202, Oct. 28, 1977, 91 Stat. 1224, 1225; Pub. L. 95-549, title II, § 201, Oct. 30, 1978, 92 Stat. 2066; Pub. L. 96-110, § 3(a), Nov. 13, 1979, 93 Stat. 844, provided:

"[Section 1] That this Act may be cited as 'The Indochina Migration and Refugee Assistance Act of 1975'.

"SEC. 2. (a)(1) Subject to the provisions of subsection (b), there are authorized to be appropriated, in addition to amounts otherwise available for such purposes, such sums as may be necessary for carrying out the provisions of paragraphs (3), (4), (5), and (6) of section 2(b) of the Migration and Refugee Assistance Act of 1962 [subsec. (b) of this section] with respect to aliens who have fled from Cambodia, Vietnam, or Laos.

"(2) Funds appropriated under this Act shall be made available to State or local public agencies to reimburse them for the non-Federal share of costs under titles IV and XIX of the Social Security Act [sections 601 et seq. and 1396 et seq. of Title 42, The Public Health and Welfare] for the provision of cash or medical assistance to aliens who have fled from Cambodia, Vietnam, or Laos.

"(b) None of the funds authorized to be appropriated by subsection (a) may be available for obligation after September 30, 1981.

"(c) In addition to amounts otherwise available for the purposes of this Act, there are authorized to be appropriated $25,000,000, to remain available until expended, for special projects and programs, administered in whole or in part by State or local public agencies or by private voluntary agencies participating in the Indochina refugee assistance program, to assist minor and adult refugees in resettling and in gaining skills and education necessary to become self-reliant.

[See main edition for text of Sec. 3]

"SEC. 4. (a) The President shall consult with and keep the Committees on the Judiciary, Appropriations, and International Relations [now Foreign Af-

fairs] of the House of Representatives and the Committees on Foreign Relations, Appropriations and Judiciary of the Senate fully and currently informed of the use of funds and the exercise of functions authorized in this Act.

"(b) Not later than December 31 of each year ending prior to January 1, 1982, the Secretary of Health, Education, and Welfare [now Secretary of Health and Human Services] shall transmit to such committees a report describing fully and completely the status of refugees from Cambodia, Vietnam, and Laos."

[(c) Repealed. Pub. L. 95-145, title II, § 202(b), Oct. 28, 1977, 91 Stat. 1225.]

Section 3(b) of Pub. L. 96-110 provided that: "The amendment made by subsection (a) [amending sec. 2(b)] shall be effective as of October 1, 1979."

Section 202 of Pub. L. 95-459 provided that: "The amendments made by this title [amending subsec. 2(b)] shall take effect on October 1, 1978."

The name of the Committee on International Relations of the House of Representatives, referred in sec. 4(a), was changed to Committee on Foreign Affairs, effective Feb. 5, 1979, by House Resolution 89, 96th Congress.

The Secretary of Health, Education, and Welfare, referred to in sec. 4(b), was redesignated the Secretary of Health and Human Services by section 3508 of Title 20, Education.

CHAPTER 38—DEPARTMENT OF STATE

Sec.
2652a. Assistant Secretary of State for International Narcotics Matters [New].
2656a. Congressional declaration of findings of major significance of modern scientific and technological advances in foreign policy [New].
2656b. Congressional declaration of policy regarding consequences of science and technology on conduct of foreign policy [New].
2656c. Responsibilities of President [New].
(a) Identification, evaluation and initiation of scientific and technological developments.
(b) Report to Congress; recommendations.
(c) Disclosure of sensitive information.
2656d. Responsibilities of Secretary of State [New].
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(c) Long-term and short-term contracts, grants, to train officers and employees in application of science and technology to problems of foreign policy.
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2691. Nonimmigrant visas [New].
(a) Applications by excludible aliens.
(b) Nonadmission of labor organization representatives of a totalitarian state.
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2692. Compensation for persons participating in State Department proceedings; availability of funds [New].
2693. Employment with respect to non-career positions abroad [New].
(a) Family members of Government and Foreign Service personnel.
(b) Career counseling and assistance for spouses of Foreign Service personnel.
(c) Exceptions to employment of family members of Foreign Service personnel.
(d) Report to Speaker of the House and chairman of the Committee on Foreign Relations of the Senate.
2694. Limitation on purchase of gifts for foreign individuals; report to Speaker of the House and chairman of the Committee on Foreign Relations of the Senate [New].
2695. Agreements for consolidation of administrative services [New].
2696. Nondiscretionary personnel costs, currency fluctuations, and other contingencies [New].
(a) Additional appropriations.
(b) Appropriations authorization based on currency fluctuations of preceding fiscal year.
(c) Availability of appropriations until expended.
(d) Accounts subject to percentage limitation.

§ 2651. Establishment of Department

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Secretary of State, see Parts 1, 2, and 30 of Ex. Ord. No. 11490, Oct. 28, 1969, 34 F.R. 17567, set out as a note under section 2251 of Title 50, Appendix, War and National Defense.

§ 2652. Deputy Secretary of State; Under Secretary of State for Political Affairs; Under Secretary of State for Economic Affairs; Under Secretary of State for Management; Assistant Secretaries of State

There shall be in the Department of State, in addition to the Secretary of State, a Deputy Secretary of State, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, an Under Secretary of State for Management, and thirteen Assistant Secretaries of State.

(As amended Aug. 17, 1977, Pub. L. 95-105, title I, § 109(c), 91 Stat. 847; Oct. 7, 1978, Pub. L. 95-426, title I, § 114(a)(1), 92 Stat. 968.)

AMENDMENTS

1978—Pub. L. 95-426 substituted "an Under Secretary of State for Management" for "a Deputy Under Secretary of State".

1977—Pub. L. 95-105 substituted "thirteen" for "eleven".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-426 effective Oct. 1, 1978, see section 114(c) of Pub. L. 95-426, set out as an Effective Date of 1978 Amendment note under section 5314 of Title 5, Government Organization and Employees.

ASSUMPTION, WITHOUT REAPPOINTMENT, OF DUTIES OF UNDER SECRETARY OF STATE FOR MANAGEMENT BY INDIVIDUAL HOLDING OFFICE OF DEPUTY UNDER SECRETARY OF STATE

Section 114(a)(2) of Pub. L. 95-426 provided that: "The individual holding the office of Deputy Under Secretary of State on the effective date of this section

[Oct. 1, 1978] shall assume the duties of Under Secretary of State for Management and shall not be required to be reappointed by reason of the enactment of this section."

ABOLITION OF ONE OFFICE OF ASSISTANT SECRETARY OF STATE

One of the offices of Assistant Secretary of State provided for in this section was abolished by Reorg. Plan No. 2 of 1977, § 9(a)(2), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2652a, 2653, 2655a of this title.

§ 2652a. Assistant Secretary of State for International Narcotics Matters

There is established in the Department of State, in addition to the positions provided under section 2652 of this title, an Assistant Secretary of State for International Narcotics Matters, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall be responsible for the overall coordination of the role of the Department of State in the international aspects of narcotics problems.

(Pub. L. 95-426, title I, § 115(a), Oct. 7, 1978, 92 Stat. 969.)

§ 2656. Management of foreign affairs

UNITED STATES CONSULATES

Pub. L. 96-60, title I, § 108, Aug. 15, 1979, 93 Stat. 397 provided that:

"(a) The following United States consulates shall not be closed or, if closed on the date of enactment of this Act [Aug. 15, 1979], shall be reopened as soon as possible after such date: Salzburg, Austria; Bremen, Germany; Nice, France; Turin, Italy; Goteborg, Sweden; Adana, Turkey; Tangier, Morocco; Mandalay, Burma; Brisbane, Australia; and Surabaya, Indonesia.

"(b) Personnel assigned to the consulates described in subsection (a) shall not be counted toward any personnel ceiling for the Department of State established by the Director of the Office of Management and Budget."

ACTION WITH REGARD TO INTERNATIONAL JOURNALISTIC FREEDOM; REPORT TO CONGRESS

Pub. L. 95-426, title VI, § 603, Oct. 7, 1978, 92 Stat. 985, which provided that it was the sense of the Congress that the President, in the interest of international journalistic freedom, should advise foreign government officials that the United States considered mistreatment of journalists a damaging factor in overall foreign relations and that he should attempt to gain multilateral support for legitimate rights of journalists by raising the issue of harassment of journalists in appropriate international forums and required submission of a report by the President to Congress describing relevant actions taken in this regard not later than Jan. 20, 1979 was omitted from the Code as obsolete.

DIPLOMATIC RELATIONS WITH FOREIGN GOVERNMENT NOT INDICATION OF APPROVAL OF SUCH GOVERNMENT

Pub. L. 95-426, title VI, § 607, Oct. 7, 1978, 92 Stat. 988, provided that: "The Congress finds that the conduct of diplomatic relations with a foreign government has as its principal purpose the discussion and negotiation with that government of outstanding issues and, like the recognition of a foreign government, does not in itself imply approval of that government or of the political-economic system it represents."

§ 2656a. Congressional declaration of findings of major significance of modern scientific and technological advances in foreign policy

The Congress finds that—

(1) the consequences of modern scientific and technological advances are of such major significance in United States foreign policy that understanding and appropriate knowledge of modern science and technology by officers and employees of the United States Government are essential in the conduct of modern diplomacy;

(2) many problems and opportunities for development in modern diplomacy lie in scientific and technological fields;

(3) in the formulation, implementation, and evaluation of the technological aspects of United States foreign policy, the United States Government should seek out and consult with both public and private industrial, academic, and research institutions concerned with modern technology; and

(4) the effective use of science and technology in international relations for the mutual benefit of all countries requires the development and use of the skills and methods of long-range planning.

(Pub. L. 95-426, title V, § 501, Oct. 7, 1978, 92 Stat. 982.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2656d, 3503 of this title.

§ 2656b. Congressional declaration of policy regarding consequences of science and technology on conduct of foreign policy

In order to maximize the benefits and to minimize the adverse consequences of science and technology in the conduct of foreign policy, the Congress declares the following to be the policy of the United States:

(1) Technological opportunities, impacts, changes, and threats should be anticipated and assessed, and appropriate measures should be implemented to influence such technological developments in ways beneficial to the United States and other countries.

(2) The mutually beneficial applications of technology in bilateral and multilateral agreements and activities involving the United States and foreign countries or international organizations should be recognized and supported as an important element of United States foreign policy.

(3) The United States Government should implement appropriate measures to insure that individuals are trained in the use of science and technology as an instrument in international relations and that officers and employees of the United States Government engaged in formal and informal exchanges of scientific and technical information, personnel, and hardware are knowledgeable in international affairs.

(4) In recognition of the environmental and technological factors that change relations among countries and in recognition of the growing interdependence between the domestic and foreign policies and programs of the

United States. United States foreign policy should be continually reviewed by the executive and legislative branches of the Government to insure appropriate and timely application of science and technology to the conduct of United States foreign policy.

(Pub. L. 95–426, title V, § 502, Oct. 7, 1978, 92 Stat. 982.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2656d, 3503 of this title.

§ 2656c. Responsibilities of President

(a) Identification, evaluation and initiation of scientific and technological developments

The President, in consultation with the Director of the Office of Science and Technology Policy and other officials whom the President considers appropriate, shall—

(1) notwithstanding any other provision of law, insure that the Secretary of State is informed and consulted before any agency of the United States Government takes any major action, primarily involving science or technology, with respect to any foreign government or international organization;

(2) identify and evaluate elements of major domestic science and technology programs and activities of the United States Government with significant international implications;

(3) identify and evaluate international scientific or technological developments with significant implications for domestic programs and activities of the United States Government; and

(4) assess and initiate appropriate international scientific and technological activities which are based upon domestic scientific and technological activities of the United States Government and which are beneficial to the United States and foreign countries.

(b) Report to Congress; recommendations

The President shall study and not later than January 31, 1980, and not later than January 31 of each year thereafter, shall transmit to the Congress a report containing recommendations with respect to—

(1) personnel requirements, and standards and training for service of officers and employees of the United States Government, with respect to assignments in any Federal agency which involve foreign relations and science or technology; and

(2) the continuation of existing bilateral and multilateral activities and agreements primarily involving science and technology, including (A) an analysis of the foreign policy implications and the scientific and technological benefits of such activities or agreements for the United States and other parties, (B) the adequacy of the funding for and administration of such activities and agreements, and (C) plans for future evaluation of such activities and agreements on a routine basis.

(c) Disclosure of sensitive information

Except as otherwise provided by law, nothing in this section shall be construed as requiring the public disclosure of sensitive information relating to intelligence sources or methods or to persons engaged in monitoring scientific or technological developments for intelligence purposes.

(Pub. L. 95–426, title V, § 503, Oct. 7, 1978, 92 Stat. 983.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2656d, 3503 of this title.

§ 2656d. Responsibilities of Secretary of State

(a) Coordination and oversight over science and technology agreements between United States and foreign countries, etc.

In order to implement the policy set forth in section 2656b of this title, the Secretary of State (hereafter in this section referred to as the "Secretary") shall have primary responsibility for coordination and oversight with respect to all major science or science and technology agreements and activities between the United States and foreign countries, international organizations, or commissions of which the United States and one or more foreign countries are members.

(b) Long-term contracts, grants, to obtain studies, etc., with respect to application of science and technology to foreign policy

The Secretary shall, to such extent or in such amounts as are provided in appropriation Acts, enter into long-term contracts, including contracts for the services of consultants, and shall make grants and take other appropriate measures in order to obtain studies, analyses, and recommendations from knowledgeable persons and organizations with respect to the application of science or technology to problems of foreign policy.

(c) Long-term and short-term contracts, grants, to train officers and employees in application of science and technology to problems of foreign policy

The Secretary shall, to such extent or in such amounts as are provided in appropriation Acts, enter into short-term and long-term contracts, including contracts for the services of consultants, and shall make grants and take other appropriate measures in order to obtain assistance from knowledgeable persons and organizations in training officers and employees of the United States Government, at all levels of the Foreign Service and Civil Service—

(1) in the application of science and technology to problems of United States foreign policy and international relations generally; and

(2) in the skills of long-range planning and analysis with respect to the scientific and technological aspects of United States foreign policy.

(d) Detached service for graduate studies

In obtaining assistance pursuant to subsection (c) of this section in training personnel who are officers or employees of the Department of State, the Secretary may provide for detached service for graduate study at accredited colleges and universities.

(e) Report to Congress; contents

Not later than January 20, 1979, the Secretary shall transmit to the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives, and to the Committee on Appropriations and the Committee on Foreign Relations of the Senate, a report on the implementation of the responsibilities of the Secretary under sections 2656a to 2656d of this title. Such report shall include the following information: an assessment of the personnel required in order to carry out such responsibilities; existing and planned programs for research and analysis to support long-range planning for the application of science and technology to foreign policy; existing and planned programs for training officers and employees of the United States Government pursuant to subsection (c) of this section; and existing and planned programs to enter into long-term contracts with academic and other organizations for assistance in training and in obtaining studies, analyses, and recommendations with respect to the application of science or technology to problems of foreign policy.

(Pub. L. 95-426, title V, § 504, Oct. 7, 1978, 92 Stat. 983; H. Res. 89, Feb. 5, 1979.)

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

MULTILATERAL AGREEMENT GOVERNING USE OF NUCLEAR-POWERED SATELLITES

Section 608 of Pub. L. 95-426 which provided that it was the sense of Congress that the United States should take the initiative in seeking a multilateral agreement governing the use of nuclear powered satellites in space in order to prevent the unregulated use of such technology and required the Secretary of State to transmit to Congress, not later than Jan. 20, 1979, a report on actions taken in this regard was omitted from the Code as obsolete.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3503 of this title.

§ 2658. Rules and regulations; promulgation by Secretary; delegation of authority

AUTHORITY OF SECRETARY OF COMMERCE

The Secretary of Commerce was authorized by Ex. Ord. No. 12188, § 1-104(b)(5), Jan. 2, 1980, 45 F.R. 991, set out as a note under section 2171 of Title 19, Customs Duties, to exercise the authority of the Secretary of State under this section with regard to the functions transferred by section 5(b) of Reorg. Plan No. 3 of 1979, 44 F.R. 69274, 93 Stat. 1381, set out in the Appendix to Title 5, Government Organization and Employees, eff. Jan. 2, 1980, as provided in section 1-107(a) of Ex. Ord. No. 12188.

§ 2670. Insurance on motor vehicles in foreign countries; tie lines and teletype equipment; ice and drinking water; excise taxes on negotiable instruments; remains of deceased persons; relief, protection, and burial of seamen; acknowledgement of services of foreign vessels and aircraft; rentals and leases

The Secretary of State is authorized to—

[*See main edition for text of* (a) *to* (d)]

(e) Omitted;

[*See main edition for text of* (f) *and* (g)]

(h) rent or lease, for periods of less than ten years, such offices, buildings, grounds, and living quarters for the use of the Foreign Service abroad as he may deem necessary, and make payments therefor in advance;

(i) maintain, improve, and repair properties rented or leased pursuant to authority contained in subsection (h) of this section and furnish fuel, water, and utilities for such properties; and

(j) provide emergency medical attention and dietary supplements, and other emergency assistance, for United States citizens incarcerated abroad or destitute United States citizens abroad who are unable to obtain such services otherwise, such assistance to be provided on a reimbursable basis to the extent feasible.

(As amended June 15, 1977, Pub. L. 95-45, § 2, 91 Stat. 221; 1977 Reorg. Plan No. 2, § 9(a)(7), 42 F.R. 62461, 91 Stat. 1639; Oct. 7, 1978, Pub. L. 95-426, title I, § 108(a), 92 Stat. 966.)

CODIFICATION

Former subsec. (e), relating to the payment of the actual expenses of preparing and transporting to their former homes the remains of persons, not United States government employees, who die away from their homes while participating in international educational exchange activities under the jurisdiction of the Department of State, was omitted pursuant to Reorg. Plan No. 2 of 1977, § 9(a)(7), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, which abolished the functions of the Secretary of State under subsec. (e).

AMENDMENTS

1978—Subsec. (j). Pub. L. 95-426 added "or destitute United States citizens abroad" following "incarcerated abroad".

1977—Subsec. (j). Pub. L. 95-45 added subsec. (j).

EFFECTIVE DATE OF 1978 AMENDMENT

Section 108(b) of Pub. L. 95-426 provided that: "The amendment made by this section [amending subsec. (j) of this section] shall take effect on October 1, 1978."

§ 2673. International Civil Aviation Organization; availability of funds for participation

ANNUAL APPROPRIATION

An annual appropriation to meet the obligations of membership in the International Civil Aviation Organization was contained in the following appropriation acts:

Pub. L. 96-68, title I, § 100, Sept. 24, 1979, 93 Stat. 417.

Pub. L. 95-431, title I, § 101, Oct. 10, 1978, 92 Stat. 1022.

Pub. L. 95-86, title I, § 101, Aug. 2, 1977, 91 Stat. 420.

§ 2679a. Death guaranties for certain Foreign Service personnel

[*See main edition for text of* (a) *to* (c)]

(d) Definitions

As used in this section—

(1) the term "Foreign Service employee" means any employee of the United States

who is a chief of mission, a Foreign Service officer, a Foreign Service information officer, a Foreign Service Reserve officer of limited or unlimited tenure, a Foreign Service staff officer or employee, a consular agent, a United States representative to an international organization or commission, or an alien employee appointed under section 946 of this title;

[*See main edition for text of (2), (3)*]

(Aug. 1, 1956, ch. 841, § 14, as added Oct. 26, 1974, Pub. L. 93-475, § 10(a)-(d), 88 Stat. 1441, and amended Nov. 29, 1975, Pub. L. 94-141, title IV, § 407(a), 89 Stat. 771; Aug. 17, 1977, Pub. L. 95-105, title IV, § 410(a), 91 Stat. 854.)

CODIFICATION

The entire credit of this section is set out in this Supplement to correct a typographical error in the main edition.

AMENDMENTS

1977—Subsec. (d)(1). Pub. L. 95-105 substituted "employee" for "national" and inserted ", or an alien employee appointed under section 946 of this title" following "or commission".

EFFECTIVE DATE OF 1977 AMENDMENT

Section 410(b) of Pub. L. 95-105 provided that: "The amendments made by subsection (a) [amending subsec. (d)(1) of this section] shall apply with respect to deaths occurring on or after August 1, 1974, and any benefits authorized by those amendments shall be paid from funds appropriated after the date of enactment of this Act [Aug. 17, 1977] for salaries and expenses."

§ 2680. Appropriations for State Department; information to congressional committees

[*See main edition for text of (a)*]

(b) The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility.

(As amended H. Res. 89, Feb. 5, 1979.)

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

INFORMATION-SHARING ARRANGEMENT BETWEEN DEPARTMENT OF STATE AND CONGRESSIONAL COMMITTEES

Pub. L. 95-426, title I, § 122, Oct. 7, 1978, 92 Stat. 970, provided that:

"(a) The Congress finds that—

"(1) international political, economic, and other studies prepared systematically by analysts of the Department of State as needed background information for executive branch policymakers could be similarly valuable to the Committee on International Relations [now Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate in fulfilling their responsibilities; and

"(2) a formal information-sharing arrangement between the Department of State and such congressional committees could therefore serve the national interest, provided that controls on dissemination are established which insure that neither the process of analysis nor necessary confidentiality is jeopardized.

"(b) Not later than January 20, 1979, the Secretary of State shall transmit to the chairman of the Committee on International Relations [now Foreign Affairs] of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate recommendations with respect to the establishment of such an information-sharing arrangement."

CONGRESSIONAL PURPOSE RESPECTING LAWS RELATING TO DEPARTMENT OF STATE AND UNITED STATES INFORMATION AGENCY; FOREIGN RELATIONS; AND AUTHORIZATION OF APPROPRIATIONS

Section 407(a) of Pub. L. 92-226 provided that: "It is the purpose of this section [amending sections 1476, 2680, and 2684 of this title] to enable the Congress generally, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in particular, to carry out the purposes and intent of the Legislative Reorganization Act of 1946 and 1970 [see Short Title notes under section 72a of Title 2, The Congress], with respect to—

[*See main edition for text of (1) and (2)*]

§ 2680a. Authority and responsibility of chiefs of mission

Under the direction of the President—

(1) the United States chief of mission (as defined in section 802(9) of this title) in a foreign country shall have full responsibility for the direction, coordination, and supervision of all United States Government officers and employees in that country, except for personnel under the command of a United States area military commander;

(2) the chief of mission shall keep himself fully and currently informed with respect to all activities and operations of the United States Government within that country, and shall insure that all Government officers and employees in that country, except for personnel under the command of a United States area military commander, comply fully with his directives; and

(3) any department or agency having officers or employees in a country shall keep the United States chief of mission in that country fully and currently informed with respect to all activities and operations of its officers and employees in that country, and shall insure that all of its officers and employees, except for personnel under the command of a United States area military commander, comply fully with all applicable directives of the chief of mission.

(As amended Oct. 7, 1978, Pub. L. 95-426, title I, § 117, 92 Stat. 969.)

AMENDMENTS

1978—Par. (1). Pub. L. 95-426, § 117(1), substituted "chief of mission (as defined in section 802(9) of this title) in" for "Ambassador to".

Par. (2). Pub. L. 95-426, § 117(2), substituted "chief of mission" for "Ambassador".

Par. (3). Pub. L. 95-426, § 117(3), substituted "chief of mission in" for "Ambassador to" and "the chief of mission" for "the Ambassador".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3620 of this title.

§ 2681. International broadcasting facilities; transfer to Department of State; acquisition of property

TRANSFER OF FUNCTIONS

All functions vested in the Secretary of State, the Department of State, or the Director of the United States Information Agency under this section and sections 2682 and 2683 of this title were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(19), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

§ 2682. Liquidation and disposal of broadcasting facilities

Whenever the Director of the International Communication Agency finds that the operation of the facilities authorized by sections 2681 to 2683 of this title to be transferred is no longer necessary or desirable, he shall report such fact to Congress with his recommendations for the disposition of such facilities.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(19), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

"Director of the International Communication Agency" was substituted for "Secretary" pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(19), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, which transferred all functions vested in the Secretary of State, the Department of State, or the Director of the United States Information Agency under sections 2681, 2682, and 2683 of this title to the Director of the International Communication Agency.

§ 2683. Assumption of obligations of operation of broadcasting facilities

The International Communication Agency shall assume all obligations of the Reconstruction Finance Corporation covering operations of said facilities, equipment, and appurtenant property outstanding at the date of transfer.

(As amended 1977 Reorg. Plan No. 2, § 7(a)(19), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

All functions vested in the Secretary of State, the Department of State, or the Director of the United States Information Agency under sections 2681, 2682, and 2683 of this title were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(19), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President. Section 5 of Reorg. Plan No. 2 of 1977 authorized the Director of the International Communication Agency to delegate the performance of any such transferred functions to any officer, employee, or unit of the International Communication Agency. Accordingly, "International Communication Agency" was substituted for "Department of State".

§ 2684. Capital fund for Department of State to centralize reproduction, editorial, data processing, audiovisual and other services; maximum amount; operation of fund

(a) There is hereby established a working capital fund for the Department of State, which shall be available without fiscal year limitation, for expenses (including those authorized by the Foreign Service Act of 1946, as amended [22 U.S.C. 801 et seq.]) and equipment, necessary for maintenance and operation in the city of Washington and elsewhere of (1) central reproduction, editorial, data processing, audiovisual, library and administrative support services; (2) central services for supplies and equipment (including repairs); (3) such other administrative services as the Secretary, with the approval of the Office of Management and Budget, determines may be performed more advantageously and more economically as central services; and (4) medical and health care services. The capital of the fund shall consist of the amount of the fair and reasonable value of such supply inventories, equipment, and other assets and inventories on order, pertaining to the services to be carried on by the fund, as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations, together with any appropriations made for the purpose of providing capital. The fund shall be reimbursed, or credited with advance payments, from applicable appropriations and funds of the Department of State, other Federal agencies, and other sources authorized by law, for supplies and services at rates which will approximate the expense of operations, including accrual of annual leave and depreciation of plant and equipment of the fund. The fund shall also be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund. There shall be transferred into the Treasury as miscellaneous receipts, as of the close of each fiscal year, earnings which the Secretary determines to be excess to the needs of the fund.

(b) The current value of supplies returned to the working capital fund by a post, activity, or agency may be charged to the fund. The proceeds thereof shall, if otherwise authorized, be credited to current applicable appropriations and shall remain available for expenditures for the same purposes for which those appropriations are available. Credits may not be made to appropriations under this subsection as the result of capitalization of inventories.

(As amended Oct. 7, 1978, Pub. L. 95-426, title I, § 109(a), 92 Stat. 966.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-426, § 109(a)(1) to (5), designated existing provisions as subsec. (a), and in subsec. (a) as so designated, substituted "central services" for "central supply services" in cl. (2); struck out "and" at the end of cl. (2); added "; and (4) medical and health care services", and struck out "Not to exceed $750,000 in net assets shall be transferred to the fund for purposes of providing capital" following "for the purpose of providing capital".

Subsec. (b). Pub. L. 95-426, § 109(a)(5), added subsec. (b).

EFFECTIVE DATE OF 1978 AMENDMENT

Section 109(b) of Pub. L. 95-426 provided that: "The amendments made by this section [amending this section] shall take effect on October 1, 1978."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1139 of this title.

§ 2685. Reimbursement for detailed State Department personnel

(a) An Executive agency to which any officer or employee of the Department of State is detailed, assigned, or otherwise made available, shall reimburse the Department for the salary and allowances of each such officer or employee for the period the officer or employee is so detailed, assigned, or otherwise made available. However, if the Department of State has an agreement with an Executive agency or agencies providing for the detailing, assigning, or otherwise making available, of substantially the same numbers of officers and employees between the Department and the Executive agency or agencies, and such numbers with respect to a fiscal year are so detailed, assigned, or otherwise made available, or if the period for which the officer or employee is so detailed, assigned, or otherwise made available does not exceed one year, no reimbursement shall be required to be made under this section. Officers and employees of the Department of State who are detailed, assigned, or otherwise made available to another Executive agency for a period of not to exceed one year shall not be counted toward any personnel ceiling for the Department of State established by the Director of the Office of Management and Budget.

[*See main edition for text of* (b)]

(As amended Pub. L. 95-426, title I, § 118, Oct. 7, 1978, 92 Stat. 969.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-426 substituted "does not exceed one year" for "does not exceed ninety days", and added provision excepting from any personnel ceiling for the Department of State any officers and employees who are detailed, etc., to another Executive agency for a period of not to exceed one year.

§ 2689. American Sections, International Joint Commission, United States and Canada; funds for representation expenses and official entertainment within the United States

Each fiscal year (beginning with fiscal year 1977), the Secretary of State may use funds appropriated for the American Sections, International Joint Commission, United States and Canada, for representation expenses and official entertainment within the United States for such American Sections.

(As amended Oct. 7, 1978, Pub. L. 95-426, title I, § 110(a), 92 Stat. 967.)

AMENDMENTS

1978—Pub. L. 95-426 struck out "not to exceed $1,500 of the" following "the Secretary of State may use".

EFFECTIVE DATE OF 1978 AMENDMENT

Section 110(b) of Pub. L. 95-426 provided that: "The amendment made by this section [amending this section] shall take effect on October 1, 1978."

§ 2691. Nonimmigrant visas

(a) Applications by excludible aliens

For purposes of achieving greater United States compliance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (signed at Helsinki on August 1, 1975) and for purposes of encouraging other signatory countries to comply with those provisions, the Secretary of State should, within 30 days of receiving an application for a nonimmigrant visa by any alien who is excludible from the United States by reason of membership in or affiliation with a proscribed organization but who is otherwise admissible to the United States, recommend that the Attorney General grant the approval necessary for the issuance of a visa to such alien, unless the Secretary determines that the admission of such alien would be contrary to the security interests of the United States and so certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate. Nothing in this section may be construed as authorizing or requiring the admission to the United States of any alien who is excludible for reasons other than membership in or affiliation with a proscribed organization.

(b) Nonadmission of labor organization representatives of a totalitarian state

This section does not apply to representatives of purported labor organizations in countries where such organizations are in fact instruments of a totalitarian state.

(c) Nonadmission of aliens connected with Palestine Liberation Organization

This section does not apply with respect to any alien who is a member, officer, official, representative, or spokesman of the Palestine Liberation Organization.

(d) Waiver recommendations

The Secretary of State may refuse to recommend a waiver for aliens from signatory countries which are not in substantial compliance with the provisions of the Helsinki Final Act, particularly the human rights and humanitarian affairs provisions.

(Aug. 1, 1956, ch. 841, § 21, as added Aug. 17, 1977, Pub. L. 95-105, title I, § 112, 91 Stat. 848, and amended Oct. 7, 1978, Pub. L. 95-426, title I, § 119, 92 Stat. 970; Aug. 15, 1979, Pub. L. 96-60, title I, § 109, 93 Stat. 397.)

REFERENCES IN TEXT

The Helsinki Final Act, referred to in subsec. (d), probably means part four of the Helsinki Declaration. For further details, see the References in Text note set out under section 3002 of this title.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-60, § 109(1), designated existing provisions as subsec. (a).

Subsecs. (b) to (d). Pub. L. 96-60, § 109(2), added subsecs. (b) to (d).

1978—Pub. L. 95-426 added provision prohibiting construction of this section as authorizing or requiring the admission of any alien excludible for reasons other than membership in or affiliation with a proscribed organization.

RECIPROCITY ON IMPOSITION OF TRAVEL RESTRICTIONS

Section 126 of Pub. L. 95-426 provided that:

"(a) For the purpose of implementing general principles of the Final Act of the Conference on Security and Cooperation in Europe (signed at Helsinki on August 1, 1975) emphasizing the lowering of international barriers to the free movement of people and ideas and in accordance with provisions of the Vienna Convention on Diplomatic Relations establishing the legal principles of nondiscrimination and reciprocity, it shall be the general policy of the United States to impose restrictions on travel within the United States by citizens of another country only when the government of that country imposes restrictions on travel by United States citizens within that country.

"(b) The Secretary of State shall—

"(1) insure that this policy is clearly conveyed to any foreign government imposing travel restrictions on United States citizens; and

"(2) seek the elimination, on a mutual and reciprocal basis, of travel restrictions imposed by such government and by the Government of the United States on each other's citizens.

"(c) Not later than January 20, 1979, and at intervals of one year thereafter for a period of three years, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report describing—

"(1) domestic travel restrictions then being imposed by the United States Government on citizens of other countries and by foreign governments on United States citizens; and

"(2) the progress of efforts undertaken pursuant to subsection (b) to achieve the elimination of such restrictions.

"(d) Subsection (a) may not be construed as limiting any restrictions on travel within the United States which are imposed by the United States Government, on a reciprocal basis, with respect to the officials of particular foreign governments."

§ 2692. Compensation for persons participating in State Department proceedings; availability of funds

(a) The Secretary of State may compensate, pursuant to regulations which he shall prescribe, for the cost of participating in any proceeding or on any advisory committee or delegation of the Department of State, any organization or person—

(1) who is representing an interest which would not otherwise be adequately represented and whose participation is necessary for a fair determination of the issues taken as a whole; and

(2) who would otherwise be unable to participate in such proceeding or on such committee or delegation because such organization or person cannot afford to pay the costs of such participation.

(b) Of the funds appropriated for salaries and expenses for the Department of State, not to exceed $250,000 shall be available in any fiscal year for compensation under this section to such organizations and persons.

(Aug. 1, 1956, ch. 841, § 22, as added Aug. 17, 1977, Pub. L. 95-105, title I, § 113(a), 91 Stat. 848.)

EFFECTIVE DATE

Section 113(b) of Pub. L. 95-105 provided that: "Subsection (a) [enacting this section] shall become effective on October 1, 1977."

§ 2693. Employment with respect to non-career positions abroad

(a) Family members of Government and Foreign Service personnel

The Secretary of State shall, when employing persons to fill jobs outside the United States to which career Foreign Service personnel are not customarily assigned, including temporary and local hire jobs, give equal consideration to employing qualified family members of United States Government employees (including family members of Foreign Service personnel) assigned to duties outside the United States. Such employment may not be used to avoid fulfilling the need for fulltime career positions.

(b) Career counseling and assistance for spouses of Foreign Service personnel

To facilitate the employment by the Department of State, or by other employers, of the spouses of Foreign Service personnel, the Secretary may—

(1) provide regular career counseling for such spouses;

(2) maintain a centralized system for cataloging their skills and the various, governmental and nongovernmental, overseas employment opportunities available to such spouses; and

(3) otherwise assist such spouses in obtaining overseas employment.

(c) Exceptions to employment of family members of Foreign Service personnel

Any member of a family of Foreign Service personnel may accept gainful employment in a foreign country unless such employment—

(1) would violate any law of such country or of the United States; or

(2) could, as certified in writing by the Chief of the United States Diplomatic Mission in such country, damage the interests of the United States.

(Pub. L. 95-105, title IV, § 413, Aug. 17, 1977, 91 Stat. 856.)

CODIFICATION

Subsec. (d) of this section, which required that not later than Jan. 1, 1978, the Secretary of State transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on the actions taken by the Department of State to carry out the provisions of this section, was omitted from the Code as executed.

CROSS REFERENCES

Compensation plans for employees who are family members of Government personnel, see section 889 of this title.

§ 2694. Limitation on purchase of gifts for foreign individuals; report to Speaker of the House and chairman of the Committee on Foreign Relations of the Senate

(1) After September 30, 1977, no appropriated funds, other than funds from the "Emergencies

in the Diplomatic and Consular Service" account of the Department of State, may be used to purchase any tangible gift of more than minimal value (as defined in section 7342(a)(5) of title 5) for any foreign individual unless such gift has been approved by the Congress.

(2) Beginning October 1, 1977, the Secretary of State shall annually transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report containing details on (1) any gifts of more than minimal value purchased with appropriated funds which were given to a foreign individual during the previous fiscal year, and (2) any other gifts of more than minimal value given by the United States Government to a foreign individual which were not obtained using appropriated funds.

(Pub. L. 95–105, title V, § 515(b), Aug. 17, 1977, 91 Stat. 866.)

§ 2695. Agreements for consolidation of administrative services

Whenever the head of any Federal agency performing any foreign affairs functions (including, but not limited to, the Department of State, the International Communication Agency, the Agency for International Development, and the Arms Control and Disarmament Agency) determines that administrative services performed in common by the Department of State and one or more other such agencies may be performed more advantageously and more economically on a consolidated basis, the Secretary of State and the heads of the other agencies concerned may, subject to the approval of the Director of the Office of Management and Budget, conclude an agreement which provides for the transfer to and consolidation within the Department or within one of the other agencies concerned of so much of the functions, personnel, property, records, and funds of the Department and of the other agencies concerned as may be necessary to enable the performance of those administrative services on a consolidated basis for the benefit of all agencies concerned. Agreements for consolidation of administrative services under this section shall provide for reimbursement or advances of funds from the agency receiving the service to the agency performing the service in amounts which will approximate the expense of providing administrative services for the serviced agency.

(Aug. 1, 1956, ch. 841, § 23, as added Oct. 7, 1978, Pub. L. 95–426, title I, § 111(a), 92 Stat. 967.)

Effective Date

Section 111(b) of Pub. L. 95–426 provided that: "The amendment made by this section [adding this section] shall take effect on October 1, 1978."

§ 2696. Nondiscretionary personnel costs, currency fluctuations, and other contingencies

(a) Additional appropriations

There are authorized to be appropriated for the Department of State, in addition to amounts otherwise authorized to be appropriated for the Department, such sums as may be necessary for any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.

(b) Appropriations authorization based on currency fluctuations of preceding fiscal year

In order to maintain the levels of program activity provided for by the annual authorizing legislation for the Department of State, there are authorized to be appropriated for the Department such sums as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the preceding fiscal year.

(c) Availability of appropriations until expended

Amounts authorized to be appropriated for a fiscal year for the Department of State or to the Secretary of State are authorized to be made available until expended.

(d) Accounts subject to percentage limitation

Amounts authorized to be appropriated for the Department of State for a fiscal year for the "Administration of Foreign Affairs" account, the "International Organizations and Conferences" account, the "International Commissions" account, or the "Migration and Refugee Assistance" account may be appropriated for that fiscal year for any other such account, except that the total amount appropriated for a fiscal year for any such account may not exceed by more than 10 percent the amount specifically authorized to be appropriated for that account for that fiscal year.

(Aug. 1, 1956, ch. 841, § 24, as added Aug. 15, 1979, Pub. L. 96–60, title I, § 105(a), 93 Stat. 396.)

Effective Date

Section 105(b) of Pub. L. 96–60 provided that: "The amendment made by subsection (a) [enacting this section] shall take effect on October 1, 1979."

CHAPTER 39—ARMS EXPORT CONTROL

SUBCHAPTER II—FOREIGN MILITARY SALES AUTHORIZATIONS

Sec.

2766. Defense requirement surveys [New].
(a) Statement of findings and policy.
(b) Reporting requirements.
(c) Congressional access; preconditions.
2767. North Atlantic Treaty Organization cooperative projects [New].
(a) "Cooperative project" defined.
(b) Charges; reduction or waiver; other sales not subject to compensatory increases in administrative surcharges; reciprocity and magnitude of contribution requirements.
(c) Transmission of numbered certification of proposed agreement; contents; section 2776(b) and (c) provisions inapplicable to sales under section 2761 or 2762 and to issuance of licenses or other approvals under section 2778 of this title.
2768. Reports on price and availability estimates [New].
(a) Estimates to foreign countries respecting defense articles or services.
(b) Requests from foreign countries respecting offers to sell defense articles or services.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2291, 2304, 2318, 2321f, 2321h, 2321i, 2349a, 2370, 2372, 2373, 2394, 2410a, 2414, 2423, 2429, 2429a, 3402 of this title.

SUBCHAPTER I—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS

§ 2751. Need for international defense cooperation and military export controls; Presidential waiver; report to Congress; arms sales policy

[See main edition for text of first to eighth pars.]

It is the sense of the Congress that the President maintain adherence to a policy of restraint in conventional arms transfers and that, in implementing this policy worldwide, a balanced approach should be taken and full regard given to the security interests of the United States in all regions of the world and that particular attention should be paid to controlling the flow of conventional arms to the nations of the developing world. To this end, the President is encouraged to continue discussions with other arms suppliers in order to restrain the flow of conventional arms to less developed countries.

(Pub. L. 90-629, ch. 1, § 1, Oct. 22, 1968, 82 Stat. 1321; Pub. L. 91-672, § 4, Jan. 12, 1971, 84 Stat. 2053; Pub. L. 93-189, § 25(1), Dec. 17, 1973, 87 Stat. 729; Pub. L. 94-329, title II, § 202, formerly § 202(a), June 30, 1976, 90 Stat. 734, renumbered and amended Pub. L. 95-384, §§ 15(a), 29(c)(1)(A), Sept. 26, 1978, 92 Stat. 739, 747.)

AMENDMENTS

1978—Pub. L. 95-384, § 15(a), added paragraph relating to the adherence to a policy of restraint in conventional arms transfer.

REPORT TO CONGRESS BY PRESIDENT ON MULTILATERAL DISCUSSIONS CONCERNING ARMS TRANSFER POLICY

Section 15(b) of Pub. L. 95-384, which provided that, not later than Dec. 31, 1979, the President transmit to Congress a detailed report assessing the results and commenting on the implications of the multilateral discussion referred to in the paragraph added to this section by section 15(a) of Pub. L. 95-384, relating to adherence to a policy of restraint in conventional arms transfer, was omitted from the Code as executed.

REPORT BY PRESIDENT ON REVIEW OF ARMS SALES CONTROLS ON NON-LETHAL ITEMS

Section 25 of the Pub. L. 95-384, which provided that the President, within 120 days after Sept. 26, 1978, report in writing to the Speaker of the House of Representative and the chairman of the Committee on Foreign Relations of the Senate the results of the review conducted pursuant to Pub. L. 95-92, § 27, Aug. 4, 1977, 91 Stat. 626, set out as a note below, was omitted from the Code as executed.

REPORT BY PRESIDENT ON IMPACT OF FOREIGN ARMS SALES AND TRANSFERS TO FOREIGN GOVERNMENTS ON DEFENSE READINESS AND NATIONAL SECURITY OF UNITED STATES

Pub. L. 95-92, § 23, Aug. 4, 1977, 91 Stat. 624, which set forth provisions respecting Presidential report on the impact of United States foreign arms sales and transfers on defense readiness and national security, was repealed by Pub. L. 95-384, § 29(c)(2)(B), Sept. 26, 1978, 92 Stat. 747.

STUDY BY PRESIDENT OF NATIONAL SECURITY AND MILITARY IMPLICATIONS OF INTERNATIONAL TRANSFERS OF TECHNOLOGY; SCOPE OF STUDY; UTILIZATION OF EXECUTIVE DEPARTMENTS AND AGENCIES; REPORT TO CONGRESS

Pub. L. 95-92, § 24, Aug. 4, 1977, 91 Stat. 624, required the President to conduct a comprehensive study of the policies and practices of the United States Government with respect to the national security and military implications of international transfers of technology in order to determine whether such policies and practices should be changed, and, not later than the end of the one-year period beginning on Aug. 4, 1977, to submit to the Congress a report setting forth in detail the findings made and conclusions reached as a result of the study conducted pursuant to this section, together with such recommendations for legislation and administrative action as the President deems appropriate.

STATEMENT OF POLICY REGARDING UNITED STATES ARMS SALES TO ISRAEL

Pub. L. 95-92, § 26, Aug. 4, 1977, 91 Stat. 625, provided that: "In accordance with the historic special relationship between the United States and Israel and previous agreements and continuing understandings, the Congress joins with the President in reaffirming that a policy of restraint in United States arms transfers, including arms sales ceilings, shall not impair Israel's deterrent strength or undermine the military balance in the Middle East."

REVIEW BY PRESIDENT OF CATEGORIES AND ARMS SALES CONTROLS ON LETHAL AND NONLETHAL ITEMS

Pub. L. 95-92, § 27, Aug. 4, 1977, 91 Stat. 626, provided that: "The President shall undertake a review of all regulations relating to arms control for the purpose of defining and categorizing lethal and non-lethal products and establishing the appropriate level of control for each category."

STUDY BY SECRETARIES OF STATE AND DEFENSE ON CONSEQUENCES OF ENACTMENT OF ARMS EXPORT CONTROL PROVISIONS

Section 218 of Pub. L. 94-329, which set forth provisions respecting study by the Secretaries of State and Defense on consequences of enactment of arms export control provisions by title II of Pub. L. 94-329, was repealed by Pub. L. 95-384, § 29(c)(1)(C), Sept. 26, 1978, 92 Stat. 747.

STUDY OF UNITED STATES ARMS SALES POLICIES AND PRACTICES BY PRESIDENT; REPORT TO CONGRESS

Section 202(b) of Pub. L. 94-329, which set forth provisions respecting study and report to Congress of United States arms sales policies and practices, was repealed by Pub. L. 95-384, § 29(c)(1)(A), Sept. 26, 1978, 92 Stat. 747.

PRESIDENTIAL REPORT REGARDING SALES OF EXCESS DEFENSE ARTICLES TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

Section 217 of Pub. L. 94-329, which set forth provisions respecting report by the President of all sales under this chapter of excess defense articles to foreign governments and international organizations, was repealed by Pub. L. 95-384, § 29(c)(1)(B), Sept. 26, 1978, 92 Stat. 747.

EX. ORD. NO. 11958. ADMINISTRATION OF CHAPTER

Ex. Ord. No. 11958, Jan. 18, 1977, 42 F.R. 4311, as amended by Ex. Ord. No. 12118, Feb. 6, 1979, 44 F.R. 7939; Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, provided:

[See main edition for text of first par.]

SECTION 1. *Delegation of Functions.* The following functions conferred upon the President by the Arms

Export Control Act (22 U.S.C. 2751 et seq.), hereinafter referred to as the Act, are delegated as follows:

(a) Those under Section 3 of the Act [section 2753 of this title], with the exception of subsections (a)(1), (b), (c)(3), (c)(4), and (f) to the Secretary of State: *Provided*, That the Secretary of State, in the implementation of the functions delegated to him under Sections 3 (a) and (d) of the Act, is authorized to find, in the case of a proposed transfer of a defense articles or related training or other defense service by a foreign country or international organization not otherwise eligible under Section 3(a)(1) of the Act, whether the proposed transfer will strengthen the security of the United States and promote world peace.

[*See main edition for text of (b) to (n)*]

SEC. 2. *Coordination.* (a) In addition to the specific provisions of Section 1 of this Order, the Secretary of State and the Secretary of Defense, in carrying out the functions delegated to them under this Order, shall consult with each other and with the heads of other departments and agencies, including the Secretary of the Treasury, the Director of the United States International Development Cooperation Agency, and the Director of the Arms Control and Disarmament Agency, on matters pertaining to their responsibilities.

[*See main edition for text of (b); Secs. 3 and 4*]

§ 2753. Eligibility for defense services or defense articles

[*See main edition for text of (a)*]

(b) Repealed. Pub. L. 95–92, § 15, Aug. 4, 1977, 91 Stat. 622

[*See main edition for text of (c)*]

(d) Submission of written certification to Congress; contents; classified material; effective date of consent; transfers not subject to procedures

(1) The President may not give his consent under paragraph (2) of subsection (a) of this section or under the third sentence of such subsection to a transfer of a defense article, or related training or other defense service, sold under this chapter and may not give his consent to such a transfer under section 2314(a)(1) or (a)(4) of this title unless the President submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a written certification with respect to such proposed transfer containing—

(A) the name of the country or international organization proposing to make such transfer,

(B) a description of the defense article or related training or other defense service proposed to be transferred, including the original acquisition cost of such defense article or related training or other defense service,

(C) the name of the proposed recipient of such defense article or related training or other defense service,

(D) the reasons for such proposed transfer, and

(E) the date on which such transfer is proposed to be made.

Any certification submitted to Congress pursuant to this subsection shall be unclassified, except that information regarding the dollar value and number of defense articles, or related training or other defense services, proposed to be transferred may be classified if public disclosure thereof would be clearly detrimental to the security of the United States.

(2) Unless the President states in the certification submitted pursuant to this subsection that an emergency exists which requires that consent to the proposed transfer become effective immediately in the national security interests of the United States, such consent shall not become effective until 30 calendar days after the date of such submission and such consent shall become effective then only if the Congress does not adopt, within such 30-day period, a concurrent resolution disapproving the proposed transfer.

(3) This subsection shall not apply—

(A) to transfers of maintenance, repair, or overhaul defense services, or of the repair parts or other defense articles used in furnishing such services, if the transfer will not result in any increase, relative to the original specifications, in the military capability of the defense articles and services to be maintained, repaired, or overhauled;

(B) to temporary transfers of defense articles for the sole purpose of receiving maintenance, repair, or overhaul; or

(C) to arrangements among members of the North Atlantic Treaty Organization or between the North Atlantic Treaty Organization and any of its member countries—

(i) for cooperative cross servicing, or

(ii) for lead-nation procurement if the certification transmitted to the Congress pursuant to section 2776(b) of this title with regard to such lead-nation procurement identified the transferees on whose behalf the lead-nation procurement was proposed.

[*See main edition for text of (e)*]

(f) Sales, credits, and guarantees to countries granting sanctuary to international terrorists; prohibitions; ineligibility period; report by President for continuation

(1) Unless the President finds that the national security requires otherwise, he shall terminate all sales, credits, and guaranties under this chapter to any government which aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism. The President may not thereafter make or extend sales, credits, or guaranties to such government until the end of the one year period beginning on the date of such termination, except that if during its period of ineligibility for sales, credits, and guaranties pursuant to this section such government aids or abets, by granting sanctuary from prosecution to, any other individual or group which has committed an act of international terrorism, such government's period of ineligibility shall be extended for an additional year for each such individual or group.

(2) If the President finds that the national security justifies a continuation of sales, credits, or guaranties to any government described in paragraph (1), he shall report such finding to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

(As amended Pub. L. 95-92, §§ 15-18, Aug. 4, 1977, 91 Stat. 622; Pub. L. 96-92, § 11, Oct. 29, 1979, 93 Stat. 705.)

AMENDMENTS

1979—Subsec. (d)(3)(C). Pub. L. 96-92 made subsec. (d) of this section inapplicable to arrangements between the North Atlantic Treaty Organization and any of its member countries, incorporated existing text in provisions designated cl. (i) and added cl. (ii).

1977—Subsec. (b). Pub. L. 95-92, § 15, struck out subsec. (b) which related to prohibitions on sales, etc., to countries seizing or fining American fishing vessels for fishing in waters more than twelve miles from their coastlines.

Subsec. (d). Pub. L. 95-92, §§ 16, 17, redesignated existing provisions as par. (1) and, as so redesignated, struck out ", 30 days prior to giving such consent," preceding "the President submits", redesignated pars. (1) to (5) as subpars. (A) to (E), respectively, and added pars. (2) and (3).

Subsec. (f). Pub. L. 95-92, § 18, added subsec. (f).

§ 2755. Discrimination prohibited if based on race, religion, national origin, or sex

[See main edition for text of (a) to (c)]

(d) Congressional request for information from President; information required; 60 day period; failure to supply information; termination or restriction of sale

(1) Upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall, within 60 days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs, with respect to the country designated in such request, setting forth—

[See main edition for text of (A) to (D), (2) and (3)]

(As amended Pub. L. 95-105, title I, § 109(a)(5), Aug. 17, 1977, 91 Stat. 846; H. Res. 89, Feb. 5, 1979.)

AMENDMENTS

1977—Subsec. (d)(1). Pub. L. 95-105 substituted "Assistant Secretary of State" for "Coordinator" in provisions preceding subpar. (A).

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress

SUBCHAPTER II—FOREIGN MILITARY SALES AUTHORIZATIONS

§ 2761. Sales from stocks

[See main edition for text of (a) to (d)]

(e) Charges; reduction or waiver

(1) After September 30, 1976, letters of offer for the sale of defense articles or for the sale of defense services that are issued pursuant to this section or pursuant to section 2762 of this title shall include appropriate charges for—

(A) administrative services, calculated on an average percentage basis to recover the full estimated costs of administration of sales made under this chapter to all purchasers of such articles and services;

(B) any use of plant and production equipment in connection with such defense articles;

(C) a proportionate amount of any nonrecurring costs of research, development, and production of major defense equipment; and

(D) the recovery of ordinary inventory losses associated with the sale from stock of defense articles that are being stored at the expense of the purchaser of such articles.

[See main edition for text of (2); (f) and (g)]

(h) Reciprocal quality assurance, inspection, and contract audit defense services

The President is authorized to provide (without charge) quality assurance, inspection, and contract audit defense services under this section—

(1) in connection with the placement or administration of any contract or subcontract for defense articles or defense services entered into after October 29, 1979 by, or under this chapter on behalf of, a foreign government which is a member of the North Atlantic Treaty Organization, if such government provides such services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government; or

(2) in connection with the placement or administration of any contract or subcontract for defense articles or defense services pursuant to the North Atlantic Treaty Organization Infrastructure Program in accordance with an agreement under which the foreign governments participating in such program provide such services, without charge, in connection with similar contracts or subcontracts.

(i) Sales affecting combat readiness of Armed Forces; statement to Congress; limitation on delivery

(1) Sales of defense articles and defense services which could have significant adverse effect on the combat readiness of the Armed Forces of the United States shall be kept to an absolute minimum. The President shall transmit to the Speaker of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate on the same day a written statement giving a complete explanation with respect to any proposal to sell, under this section, any defense articles or defense services if such sale could have a significant adverse effect on the combat readiness of the Armed Forces of the United States. Each such statement shall be unclassified except to the extent that public disclosure of any item of information contained therein would be clearly detrimental to the security of the United States. Any necessarily classified information shall be confined to a supplemental report. Each such statement shall include an explanation relating to only one such proposal to sell and shall set forth—

(A) the country or international organization to which the sale is proposed to be made;

(B) the amount of the proposed sale;

(C) a description of the defense article or service proposed to be sold;

(D) a full description of the impact which the proposed sale will have on the Armed Forces of the United States; and

(E) a justification for such proposed sale, including a certification that such sale is important to the security of the United States.

A certification described in subparagraph (E) shall take effect on the date on which such certification is transmitted and shall remain in effect for not to exceed one year.

(2) No delivery may be made under any sale which is required to be reported under paragraph (1) of this subsection unless the certification required to be transmitted by paragraph[1] (E) of paragraph (1) is in effect.

(As amended Pub. L. 95-384, § 16, Sept. 26, 1978, 92 Stat. 740; Pub. L. 96-92, § 12, Oct. 29, 1979, 93 Stat. 705.)

AMENDMENTS

1979—Subsec. (h). Pub. L. 96-92, § 12(2), added subsec. (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 96-92, § 12(1), redesignated former subsec. (h) as (i).

1978—Subsec. (e)(1). Pub. L. 95-384 added subpar. (D).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321i, 2751, 2767, 2775, 2776, 2777, 2791, 2792 of this title.

§ 2762. Procurement for cash sales; dependable undertaking by foreign country or international organization; interest rates; issuance of letters of offer under emergency determination; availability of appropriations for payment; applicability of Renegotiation Act of 1951

[See main edition for text of (a) and (b)]

(c) The provisions of the Renegotiation Act of 1951 [50 App. U.S.C. 1211 et seq.] do not apply to contracts for the procurement of defense articles and defense services heretofore or hereafter entered into under this section or predecessor provisions of law.

(As amended Pub. L. 95-384, § 17, Sept. 26, 1978, 92 Stat. 740.)

REFERENCES IN TEXT

The Renegotiation Act of 1951, referred to in subsec. (c), is act Mar. 23, 1951, ch. 15, 65 Stat. 7, as amended, which is classified principally to section 1211 et seq. of Title 50, App., War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1211 of Title 50, App., and Tables.

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-384 added subsec. (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2751, 2767, 2775, 2776, 2777, 2779, 2791 of this title.

§ 2763. Credit sales

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2751, 2764, 2771, 2774, 2775, 2776, 2777, 2791 of this title.

[1] So in original. Probably should be "subparagraph".

§ 2764. Guaranties

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2751, 2771, 2774, 2775, 2776, 2777, 2791, 3402 of this title.

§ 2765. Annual estimate and justification for sales program

[See main edition for text of (a)]

(b) Congressional request for additional information on estimates

Not later than thirty days following the receipt of a request made by the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives for additional information with respect to any estimate submitted pursuant to subsection (a) of this section, the President shall submit such information to such committee.

(c) Submission of information in unclassified form or classified addendum with unclassified summary

The President shall make every effort to submit all of the information required by subsection (a) or (b) of this section wholly in unclassified form. In the event the President submits any such information in classified form, he shall submit such classified information in an addendum and shall also submit simultaneously a detailed summary, in unclassified form, of such classified information.

(d) Arms Sales Proposal; transmittal to Congress; covered transactions; Proposal changes: notice and reasons

(1) On or before November 15 of each year, the President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate the Arms Sales Proposal covering all sales under this chapter (other than sales to members of the North Atlantic Treaty Organization, Japan, Australia, and New Zealand) of major weapons or weapons-related defense equipment for $7,000,000 or more, or of any other weapons or weapons-related defense equipment for $25,000,000 or more, which are considered eligible for approval during the fiscal year beginning on October 1 of such year. Sales deemed most likely actually to result in the issuance of a letter of offer during such fiscal year shall be appropriately so identified in the reports submitted pursuant to this paragraph and paragraph (2) of this subsection.

(2) The President shall notify the Congress in writing at intervals of six months of any changes in the Arms Sales Proposal for such fiscal year, together with the reasons therefor.

(e) Executive estimates of international arms traffic; transmittal to Congress

The President shall transmit to the Congress, at the time of the transmittal of each Arms Sales Proposal required by subsection (d)(1) of this section, a classified report detailing the executive branch's best estimates with regard to the international volume of arms traffic. The report shall include estimates on an annual basis of the sale and delivery of weapons and weapons-related defense equipment by all

major arms suppliers to all major recipient countries during the preceding three years.

(As amended Pub. L. 95-384, § 18, Sept. 26, 1978, 92 Stat. 740; H. Res. 89, Feb. 5, 1979; Pub. L. 96-92, §§ 13, 14, Oct. 29, 1979, 93 Stat. 706.)

AMENDMENTS

1979—Subsec. (d). Pub. L. 96-92, § 13(1)-(4), designated existing provision as par. (1), and in par. (1) as so designated, substituted "major weapons or weapons-related defense equipment" for "major defense equipment" and "weapons or weapons-related defense equipment" for "defense articles or defense services", required identification of sales likely to result in issuance of a letter of offer in the furnished reports, and added par. (2).

Subsec. (e). Pub. L. 96-92, § 14, added subsec. (e).

1978—Subsec. (c). Pub. L. 95-384, § 18(b), substituted "subsection (a) or (b) of this section" for "this section".

Subsec. (d). Pub. L. 95-384, § 18(a), added subsec. (d).

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

§ 2766. Defense requirement surveys

(a) Statement of findings and policy

The Congress finds that defense requirement surveys prepared by the United States for foreign countries have had a significant impact on subsequent military procurement decisions of those countries. It is the policy of the United States that the results of defense requirement surveys conducted by the United States clearly do not represent a commitment by the United States to provide any military equipment to any foreign country. Further, recommendations in such surveys should be consistent with the arms export control policy provided for in this chapter.

(b) Reporting requirements

As part of the quarterly report required by section 2776(a) of this title, the President shall include a list of all defense requirement surveys authorized during the preceding calendar quarter, specifying the country with respect to which the survey was or will be conducted, the purpose of the survey, and the number of United States Government personnel who participated or will participate in the survey.

(c) Congressional access; preconditions

Upon a request of the chairman of the Committee on Foreign Affairs of the House of Representatives or the chairman of the Committee on Foreign Relations of the Senate, the President shall grant that committee access to defense requirement surveys conducted by United States Government personnel.

(Pub. L. 90-629, ch. 2, § 26, as added Pub. L. 95-384, § 19, Sept. 26, 1978, 92 Stat. 740, and amended H. Res. 89, Feb. 5, 1979.)

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

§ 2767. North Atlantic Treaty Organization cooperative projects

(a) "Cooperative project" defined

For purposes of this section, the term "cooperative project" means a project described in an agreement, entered into after October 29, 1979, under which—

(1) the North Atlantic Treaty Organization, or one or more member countries thereof, agrees to share with the United States the costs of research on and development, testing, and evaluation of certain defense articles, and the costs of any agreed joint production ensuing therefrom, in order to further the objectives of standardization and interoperability of the armed forces of North Atlantic Treaty Organization member countries; or

(2) the North Atlantic Treaty Organization, or one or more member countries thereof other than the United States, agrees to bear the costs of research on and development, testing, and evaluation of certain defense articles (or categories of defense articles) and to have such articles produced for sale to, and licensed for production within, other participant member countries including the United States, and the United States agrees to bear the costs of research on and development, testing, and evaluation of other defense articles (or categories of defense articles) and to have such defense articles produced for sale to, and licensed for production within, other participant member countries in order to further the objectives of rationalization of the industrial and technological resources within the North Atlantic Treaty area.

(b) Charges; reduction or waiver; other sales not subject to compensatory increases in administrative surcharges; reciprocity and magnitude of contribution requirements

(1) The President may reduce or waive the charge or charges which would otherwise be considered appropriate under section 2761(e) of this title (and, in the case of agreements described in subsection (a)(2) of this section, may reduce or waive the charges for reimbursement of the costs of officers and employees of the United States Government which would otherwise be required) in connection with sales under section 2761 and section 2762 of this title in furtherance of cooperative projects. Notwithstanding the provisions of section 2761(e)(1)(A) and section 2792(b) of this title, administrative surcharges shall not be increased on other sales made under this chapter in order to compensate for reductions or waivers of such surcharges under this section. Funds received pursuant to such other sales shall not be available to reimburse the costs incurred by the United States Government for which reduction or waiver is approved by the President under this section.

(2) The provisions of paragraph (1) shall apply only if for each cooperative project the other countries which participate in such cooperative project reciprocate by waiving comparable charges for their sales related to such cooperative project and if the President determines that the magnitude of the contribution of a

member country of the North Atlantic Treaty Organization to such cooperative project would help the United States conserve defense resources and promote a stronger alliance.

(c) Transmission or numbered certification of proposed agreement; contents; section 2776(b) and (c) provisions inapplicable to sales under section 2761 or 2762 and to issuance of licenses or other approvals under section 2778 of this title

(1) Not less than thirty days prior to signature on behalf of the United States of an agreement for a cooperative project, the President shall transmit to the Speaker of the House of Representatives, the chairman of the Committee on Foreign Relations of the Senate, and the chairman of the Committee on Armed Services of the Senate, a numbered certification with respect to such proposed agreement, setting forth—

(A) a detailed description of the cooperative project with respect to which the certification is made;

(B) an estimate of the amount of sales and exports expected to be made or approved under this chapter in furtherance of such cooperative project;

(C) an estimate of the dollar value of any charges expected to be reduced or waived under this section in connection with such cooperative project, such dollar value to consist of expenses that will be charged against Department of Defense funds without reimbursement and amounts not to be recovered and deposited to the General Fund of the Treasury;

(D) an estimate of the dollar value of the costs to be borne by the North Atlantic Treaty Organization or by the member countries thereof in connection with such cooperative project; and

(E) a statement of the foreign policy and national security benefits anticipated to be derived from such cooperative project.

(2) The provisions of subsection (b) of section 2776 of this title shall not apply to sales made under section 2761 or section 2762 of this title, and the provisions of subsection (c) of section 2776 of this title shall not apply to the issuance of licenses or other approvals under section 2778 of this title, if such sales are made, or such licenses or approvals are issued, in furtherance of a cooperative project.

(Pub. L. 90–629, ch. 2, § 27, as added Pub. L. 96–92, § 15, Oct. 29, 1979, 93 Stat. 706.)

§ 2768. Reports on price and availability estimates

(a) Estimates to foreign countries respecting defense articles or services

The President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, within five days after the end of each calendar quarter, a report listing each price and availability estimate provided by the United States Government during such quarter to a foreign country with respect to a possible sale under this chapter of major defense equipment for $7,000,000 or more or of any other defense articles or defense services for $25,000,000 or more. Each such listing shall specify the name of the country to which the estimate was provided, the defense articles or services involved, the quantity involved, and the price estimate provided.

(b) Requests from foreign countries respecting offers to sell defense articles or services

Such reports shall also list each request received by the United States Government from a foreign country, during the quarter in question, for the issuance of a letter of offer to sell defense articles or defense services if (1) the proposed sale has not been the subject of a listing pursuant to subsection (a) of this section, and (2) the issuance of a letter of offer in accordance with such request would be subject to the requirements of section 2776(b) of this title. Each such listing shall include the name of the country making the request, the date of the request, the defense articles or services involved, the quantity involved, and the price and availability terms requested.

(Pub. L. 90–629, ch. 2, § 28, as added Pub. L. 96–92, § 16(a), Oct. 29, 1979, 93 Stat. 708.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2776 of this title.

SUBCHAPTER III—MILITARY EXPORT CONTROLS

§ 2771. Military sales authorizations and ceilings

(a) Authorization for foreign military sales credit and guarantee program

There is authorized to be appropriated to the President to carry out this chapter not to exceed $673,500,000 for the fiscal year 1980. Unobligated balances of funds made available pursuant to this section are hereby authorized to be continued available by appropriations legislation to carry out this chapter.

(b) Aggregate ceiling on foreign military sales credits

The aggregate total of credits, or participations in credits, extended pursuant to this chapter and of the principal amount of loans guaranteed pursuant to section 2764(a) of this title shall not exceed $2,235,000,000 for the fiscal year 1980, of which not less than $1,000,000,000 shall be available only for Israel.

(c) Funds to finance procurement of defense articles and defense services by Israel; repayment period; release of Israel from contractual obligation to repay

Funds made available for the fiscal year 1980 under subsection (a) of this section shall be obligated to finance the procurement of defense articles and defense services by Israel on a long-term repayment basis either by the extension of credits, without regard to the limitations contained in section 2763 of this title, or by the issuance of guaranties under section 2764 of this title. Repayment shall be in not less than twenty years, following a grace period of ten years on repayment of principal. Israel shall be released from one-half of its contractual liability to repay the United States Government with respect to defense articles and defense services so financed for such year.

(d) Aggregate acquisition cost ceiling for ordered excess defense articles

The aggregate acquisition cost to the United States of excess defense articles ordered by the President in any fiscal year after fiscal year 1976 for delivery to foreign countries or international organizations under the authority of chapter 2 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2311] or pursuant to sales under this chapter may not exceed $250,000,000 (exclusive of ships and their onboard stores and supplies transferred in accordance with law).

(As amended Pub. L. 95-92, § 19, Aug. 4, 1977, 91 Stat. 623; Pub. L. 95-384, § 20, Sept. 26, 1978, 92 Stat. 741; Pub. L. 96-92, § 17(a), Oct. 29, 1979, 93 Stat. 708.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-92, § 17(a)(1), substituted "$673,500,000 for the fiscal year 1980" for "$682,000,000 for the fiscal year 1978 and $674,300,000 for the fiscal year 1979".

Subsec. (b). Pub. L. 96-92, § 17(a)(2), substituted "$2,235,000,000 for the fiscal year 1980, of which" for "$2,152,350,000 for the fiscal year 1978 and $2,085,500,000 for the fiscal year 1979, of which amount for each such year".

Subsec. (c). Pub. L. 96-92, § 17(a)(3), substituted "fiscal year 1980" for "fiscal year 1979".

Subsec. (d). Pub. L. 96-92, § 17(a)(4), substituted "$250,000,000" for "$150,000,000".

1978—Subsec. (a). Pub. L. 95-384, § 20(a), substituted "$682,000,000 for the fiscal year 1978 and $674,300,000 for the fiscal year 1979" for "$677,000,000 for the fiscal year 1978".

Subsec. (b). Pub. L. 95-384, § 20(b), substituted "$2,152,350,000 for the fiscal year 1978 and $2,085,500,000 for the fiscal year 1979, of which amount for each such year" for "$2,102,350,000 for the fiscal year 1978, of which".

Subsec. (c). Pub. L. 95-384, § 20(c), substituted "fiscal year 1979" for "fiscal year 1978".

Subsec. (d). Pub. L. 95-384, § 20(d), substituted "$150,000,000" for "$100,000,000".

1977—Subsec. (a). Pub. L. 95-92, § 19(1), substituted "$677,000,000 for the fiscal year 1978" for "$1,039,000,000 for the fiscal year 1976 and not to exceed $740,000,000 for the fiscal year 1977".

Subsec. (b). Pub. L. 95-92, § 19(2), substituted "$2,102,350,000 for the fiscal year 1978" for "$2,374,700,000 for the fiscal year 1976, of which not less than $1,500,000,000 shall be available only for Israel, and shall not exceed $2,022,100,000 for the fiscal year 1977".

Subsec. (c). Pub. L. 95-92, § 19(3), substituted "year 1978" for "years 1976 and 1977" and struck out "each" preceding "such year".

CEILINGS ON LOANS FOR GREECE, SUDAN, AND TURKEY, FISCAL YEAR 1980; REPAYMENT PERIOD; GRACE PERIOD FOR REPAYMENT OF PRINCIPAL

Section 17(b) of Pub. L. 96-92 provided that: "Of the principal amount of loans guaranteed for the fiscal year 1980 under section 24 of the Arms Export Control Act [section 2764 of this title]—

"(1) with respect to Turkey, not to exceed $50,000,000,

"(2) with respect to Greece, not to exceed $42,000,000, and

"(3) with respect to Sudan, not to exceed $25,000,000,

shall be repaid in not less than 20 years, following a grace period of 10 years on repayment of principal."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2442, 3402 of this title.

§ 2773. Restraint in arms sales to Sub-Saharan Africa

It is the sense of the Congress that the problems of Sub-Saharan Africa are primarily those of economic development and that United States policy should assist in limiting the development of costly military conflict in that region. Therefore, the President shall exercise restraint in selling defense articles and defense services, and in providing financing for sales of defense articles and defense services, to countries in Sub-Saharan Africa.

(As amended Pub. L. 96-92, § 18, Oct. 29, 1979, 93 Stat. 709.)

AMENDMENTS

1979—Pub. L. 96-92 substituted provisions respecting restraint in arms sales to Sub-Saharan Africa for provisions imposing regional ceilings on foreign military sales to African countries and Presidential waiver and report thereof to Congress.

§ 2776. Reports and certifications to Congress on military exports

(a) Report by President; contents

The President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate not more than sixty days after the end of each quarter an unclassified report (except that any material which was transmitted in classified form under subsection (b)(1) or (c)(1) of this section may be contained in a classified addendum to such report, and any letter of offer referred to in paragraph (1) of this subsection may be listed in such addendum unless such letter of offer has been the subject of an unclassified certification pursuant to subsection (b)(1) of this section) containing—

[*See main edition for text of (1) to (6)*]

(7) an estimate of the number of officers and employees of the United States Government and of United States civilian contract personnel present in each such country at the end of that quarter for assignments in implementation of sales and commercial exports under this chapter; and

(8) a description of each payment, contribution, gift, commission, or fee reported to the Secretary of State under section 2779 of this title, including (A) the name of the person who made such payment, contribution, gift, commission, or fee; (B) the name of any sales agent or other person to whom such payment, contribution, gift, commission, or fee was paid; (C) the date and amount of such payment, contribution, gift, commission, or fee; (D) a description of the sale in connection with which such payment, contribution, gift, commission, or fee was paid; and (E) the identification of any business information considered confidential by the person submitting it which is included in the report.

(9) Repealed. Pub. L. 96-92, § 19(a)(4), Oct. 29, 1979, 93 Stat 709.

For each letter of offer to sell under paragraphs (1) and (2), the report shall specify (i) the foreign country or international organization to which the defense article or service is

offered or was sold, as the case may be; (ii) the dollar amount of the offer to sell or the sale and the number of defense articles offered or sold, as the case may be; (iii) a description of the defense article or service offered or sold, as the case may be; and (iv) the United States Armed Force or other agency of the United States which is making the offer to sell or the sale, as the case may be.

(b) Letter of offer to sell defense articles, services, or major equipment; submission of numbered Presidential certification and additional statement; contents; emergency justification statement

(1) In the case of any letter of offer to sell any defense articles or services under this chapter for $25,000,000 or more, or any major defense equipment for $7,000,000 or more, before such letter of offer is issued, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a numbered certification with respect to such offer to sell containing the information specified in clauses (i) through (iv) of subsection (a) of this section and a description, containing the information specified in paragraph (8) of subsection (a) of this section, of any contribution, gift, commission, or fee paid or offered or agreed to be paid in order to solicit, promote, or otherwise to secure such letter of offer. Such numbered certifications shall also contain an item, classified if necessary, identifying the sensitivity of technology contained in the defense articles or defense services proposed to be sold. In addition, the President shall, upon the request of such committee or the Committee on Foreign Affairs of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request—

[*See main edition for text of* (A) *to* (C)]

(D) an evaluation, prepared by the Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and the Secretary of Defense, of the manner, if any, in which the proposed sale would—

(i) contribute to an arms race;

(ii) increase the possibility of an outbreak or escalation of conflict;

(iii) prejudice the negotiation of any arms controls; or

(iv) adversely affect the arms control policy of the United States;

[*See main edition for text of* (E) *to* (K)]

(L) an analysis of the impact of the proposed sale on United States relations with the countries in the region to which the defense articles or services which are the subject of such sale would be delivered;

(M) a detailed description of any agreement proposed to be entered into by the United States for the purchase or acquisition by the United States of defense articles, services, or equipment, or other articles, services, or equipment of the foreign country or international organization in connection with, or as consideration for, such letter of offer, including an analysis of the impact of such proposed agreement upon United States business concerns which might otherwise have provided such articles, services, or equipment to the United States, an estimate of the costs to be incurred by the United States in connection with such agreement compared with costs which would otherwise have been incurred, an estimate of the economic impact and unemployment which would result from entering into such proposed agreement, and an analysis of whether such costs and such domestic economic impact justify entering into such proposed agreement;

(N) the projected delivery dates of the defense articles to be offered;

(O) a detailed description of weapons and levels of munitions that may be required as support for the proposed sale; and

(P) an analysis of the relationship of the proposed sale to projected procurements of the same item.

A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (ii) and the details of the description specified in clause (iii) of subsection (a) of this section may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States. The letter of offer shall not be issued if the Congress, within thirty calendar days after receiving such certification, adopts a concurrent resolution stating that it objects to the proposed sale, unless the President states in his certification that an emergency exists which requires such sale in the national security interests of the United States. If the President states in his certification that an emergency exists which requires the proposed sale in the national security interest of the United States, thus waiving the congressional review requirements of this subsection, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the letter of offer and a discussion of the national security interests involved.

[*See main edition for text of* (2) *and* (3)]

(4) In addition to the other information required to be contained in a certification submitted to the Congress under this subsection, each such certification shall cite any quarterly report submitted pursuant to section 2768 of this title which listed a price and availability estimate, or a request for the issuance of a letter of offer, which was a basis for the proposed sale which is the subject of such certification.

(c) Application for export license; submission of numbered Presidential certification and statement to Congress; contents

In the case of an application by a person (other than with regard to a sale under section 2761 or section 2762 of this title) for a license for the export of any major defense equipment sold under a contract in the amount of $7,000,000 or more or of defense articles or defense services sold under a contract in the amount of $25,000,000 or more, not less than 30

days before issuing such license the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate an unclassified numbered certification with respect to such application specifying (1) the foreign country or international organization to which such export will be made, (2) the dollar amount of the items to be exported, and (3) a description of the items to be exported. In addition, the President shall, upon the request of such committee or the Committee on Foreign Affairs of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request, a description of the capabilities of the items to be exported, an estimate of the total number of United States personnel expected to be needed in the foreign country concerned in connection with the items to be exported and an analysis of the arms control impact pertinent to such application, prepared in consultation with the Secretary of Defense. A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in paragraph (2) and the details of the description specified in paragraph (3) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States.

[*See main edition for text of (d)*]

(As amended Pub. L. 95-384, § 21, Sept. 26, 1978, 92 Stat. 741; H. Res. 89, Feb. 5, 1979; Pub. L. 96-92, §§ 16(b), 19(a), (c), 20(b), Oct. 29, 1979, 93 Stat. 708-710.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-92, § 19(a), increased to sixty from thirty days the period for submission of the President's report at end of each quarter and struck out par. (9), which required that the report contain an analysis and description of the services of Federal personnel under provisions relating to sales from stock, including numbers employed.

Subsec. (b)(1). Pub. L. 96-92, §§ 19(c), 20(b), required executive emergency justification statement and the numbered certifications to contain an item, classified if necessary, identifying the sensitivity of technology contained in the defense articles or defense services proposed to be sold.

Subsec. (b)(4). Pub. L. 96-92, § 16(b), added par. (4).

1978—Subsec. (b)(1). Pub. L. 95-384 in subpar. (D) substituted provisions requiring an evaluation relating to the proposed sale to be prepared by the Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and the Secretary of Defense for provisions requiring an analysis of the arms control impact pertinent to the offer to sell prepared in consultation with the Secretary of Defense and added subpars. (N) to (P).

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

NATIONAL DISCLOSURE POLICY FOR SENSITIVE WEAPONS TECHNOLOGY; REPORT TO CONGRESS

Section 20(a) of Pub. L. 96-92 provided that: "The President shall undertake a thorough review of the interagency procedures and disclosure criteria used by the United States in determining whether sensitive weapons technology will be transferred to other countries. Not later than February 15, 1980, the President shall transmit a report to the Congress setting forth the results of such review, together with such recommendations as are necessary to improve the current disclosure system."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2370, 2373, 2753, 2766, 2767, 2768, 2778, 3402 of this title.

§ 2778. Control of arms exports and imports

[*See main edition for text of (a)*]

(b) Registration and licensing requirements for manufacturers, exporters, or importers of designated defense articles and defense services; exceptions; procedures applicable

[*See main edition for text of (1) and (2)*]

(3) No license may be issued under this chapter for the export of any major defense equipment sold under a contract in the amount of $35,000,000 or more to any foreign country which is not a member of the North Atlantic Treaty Organization unless such major defense equipment was sold under this chapter. The prohibition contained in the first sentence of this paragraph shall not apply to the issuance of licenses under this section for the export of major defense equipment to Australia, Japan, or New Zealand, or major defense equipment sold commercially in implementation of an agreement between the United States Government and the government of a foreign country for the production of the major defense equipment to which such licenses relate if the President has submitted a certificate with respect to such proposed agreement, prior to its signature, to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate in the same form as the certification required under section 2776(b) of this title and subject to the requirements of such section.

[*See main edition for text of (c)*]

(d) Repealed. Pub. L. 96-70, title III, § 3303(a)(4), Sept. 27, 1979, 93 Stat. 499

(e) Enforcement powers of President

In carrying out functions under this section with respect to the export of defense articles and defense services, the President is authorized to exercise the same powers concerning violations and enforcement which are conferred upon departments, agencies and officials by subsections (c), (d), (e), and (f) of section 11 of the Export Administration Act of 1979 [50 App. U.S.C. 2410(c), (d), (e), and (f)], and by subsections (a) and (c) of section 12 of such Act [50 App. U.S.C. 2411(a) and (c)], subject to the same terms and conditions as are applicable to such powers under such Act [50 App. U.S.C. 2401 et seq.]. Nothing in this subsection shall be construed as authorizing the withholding of information from the Congress.

(As amended Pub. L. 95-92, § 20, Aug. 4, 1977, 91 Stat. 623; Pub. L. 96-70, title III, § 3303(a)(4), Sept. 27, 1979, 93 Stat. 499; Pub. L. 96-72, § 22(a), Sept. 29, 1979, 93 Stat. 535; Pub. L. 96-92, § 21, Oct. 29, 1979, 93 Stat. 710.)

AMENDMENTS

1979—Subsec. (b)(3). Pub. L. 96-92 increased the limitation in the sale of major defense equipment exports to $35,000,000 from $25,000,000.

Subsec. (d). Pub. L. 96-70 struck out subsec. (d), which provided that this section applies to and within the Canal Zone.

Subsec. (e). Pub. L. 96-72 substituted "subsections (c), (d), (e), and (f) of section 11 of the Export Administration Act of 1979, and by subsections (a) and (c) of section 12 of such Act" for "sections 6(c), (d), (e), and (f) and 7(a) and (c) of the Export Administration Act of 1969".

1977—Subsec. (b)(3). Pub. L. 95-92 added provisions relating to exceptions to prohibitions against issuance of licenses under this section and procedures applicable for implementation of such exceptions.

EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96-72 effective upon the expiration of the Export Administration Act of 1969, which terminated on Sept. 30, 1979, or upon any prior date which the Congress by concurrent resolution or the President by proclamation designated, see section 2418 and Prior Provisions note under section 2413 of Appendix to Title 50, War and National Defense.

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2304, 2372, 2417, 2751, 2767, 2776, 2779, 2791, 2794 of this title; title 26 section 5847; title 50 App. section 2416.

SUBCHAPTER IV—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

§ 2792. Administrative expenses

[*See main edition for text of* (a)]

(b) Charges for administrative services calculated under section 2761(e)(1)(A) of this title shall include recovery of administrative expenses incurred by any department or agency of the United States Government, including any mission or group thereof, in carrying out functions under this chapter when—

(1) such functions are primarily for the benefit of any foreign country; and

(2) such expenses are not directly and fully charged to, and reimbursed from amounts received for, sale of defense services under section 2761(a) of this title.

(c) Not later than January 15 of each year, the President shall submit to the Congress a report containing an analysis and description of the services performed during the preceding fiscal year by officers and employees of the United States Government carrying out functions on a full-time basis under this chapter for which reimbursement is provided under subsection (b) of this section or under section 2761(a) of this title. Such reports shall specify the number of personnel involved in performing such services.

(As amended Pub. L. 95-92, § 7(d), Aug. 4, 1977, 91 Stat. 617; Pub. L. 96-92, § 19(b), Oct. 29, 1979, 93 Stat. 709.)

AMENDMENTS

1979—Subsec. (c). Pub. L. 96-92 added subsec. (c).

1977—Subsec. (b). Pub. L. 95-92 substituted provisions relating to criteria for recovery of charges for administrative expenses calculated under section 2761(e)(1)(A) of this title, for provisions relating to reimbursement from amounts received for sales under sections 2761 and 2762 of this title of administrative expenses incurred by a United States government department or agency in carrying out functions under this chapter for the benefit of any foreign country.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321i, 2767 of this title.

§ 2794. Definitions

For purposes of this chapter, the term—

[*See main edition for text of* (1) *and* (2)]

(3) "defense article", except as provided in paragraph (7) of this section, includes—

[*See main edition for text of* (A) *to* (D)]

but does not include merchant vessels or (as defined by the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.]) source material (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity), byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data;

[*See main edition for text of* (4) *to* (7)]

(As amended Pub. L. 96-92, § 22, Oct. 29, 1979, 93 Stat. 710.)

AMENDMENTS

1979—Par. (3). Pub. L. 96-92 defined "defense article" to include uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity.

CHAPTER 42—INTERNATIONAL ECONOMIC POLICY

§§ 2841 to 2849. Omitted

CODIFICATION

Section 2841, Pub. L. 92-412, title II, § 202, Aug. 29, 1972, 86 Stat. 646, which related to congressional statement of purpose, was omitted from the Code as expired on Sept. 30, 1977. See section 2848 of this title.

Section 2842, Pub. L. 92-412, title II, § 203, Aug. 29, 1972, 86 Stat. 646, which related to congressional findings and policy and the establishment and functions of the Council on International Economic Policy, was omitted from the Code as expired on Sept. 30, 1977. See section 2848 of this title.

Section 2843, Pub. L. 92-412, title II, § 204, Aug. 29, 1972, 86 Stat. 647, which related to the creation of the Council on International Economic Policy in the Executive Office of the President, was omitted from the Code as expired on Sept. 30, 1977. See section 2848 of this title.

Section 2844, Pub. L. 92-412, title II, § 205, Aug. 29, 1972, 86 Stat. 647; Pub. L. 93-121, § 1, Oct. 4, 1973, 87 Stat. 447, which related to the membership of the Council and the designation of a chairman by the President, was omitted from the Code as expired on Sept. 30, 1977. See section 2848 of this title.

Section 2845, Pub. L. 92-412, title II, § 206, Aug. 29, 1972, 86 Stat. 647, which related to the duties of the Council, was omitted from the Code as expired on Sept. 30, 1977. See section 2848 of this title.

Section 2846, Pub. L. 92-412, title II, § 207, Aug. 29, 1972, 86 Stat. 648; Pub. L. 93-121, § 4, Oct. 4, 1973, 87 Stat. 448, which related to the submittal to Congress and the scope of the International Economic Report and other supplementary reports, was omitted from the Code as expired on Sept. 30, 1977. See section 2848 of this title.

Section 2847, Pub. L. 92-412, title II, § 208, Aug. 29, 1972, 86 Stat. 649; Pub. L. 94-87, § 1, Aug. 9, 1975, 89 Stat. 432, which related to the appointment and compensation of an Executive Director and staff personnel, the procurement of temporary and intermittent services and the detail of agency personnel to the Council, was omitted from the Code as expired on Sept. 30, 1977. See section 2848 of this title.

Section 2847a, Pub. L. 93-121, § 5, Oct. 4, 1973, 87 Stat. 448, which related to the appointment of an Executive Director, was omitted from the Code in view of the expiration of section 2847 of this title, to which it related, on Sept. 30, 1977, pursuant to section 2848 of this title.

Section 2848, Pub. L. 92-412, title II, § 209, Aug. 29, 1972, 86 Stat. 649; Pub. L. 93-121, § 2, Oct. 4, 1973, 87 Stat. 447; Pub. L. 94-87, § 2, Aug. 9, 1975, 89 Stat. 432, which provided for the expiration of this chapter on Sept. 30, 1977, was omitted from the Code as expired on that date pursuant to its own terms.

Section 2849, Pub. L. 92-412, title II, § 210, Aug. 29, 1972, 86 Stat. 649; Pub. L. 93-121, § 3, Oct. 4, 1973, 87 Stat. 448; Pub. L. 93-315, June 22, 1974, 88 Stat. 239; Pub. L. 94-87, § 3, Aug. 9, 1975, 89 Stat. 432, which related to the authorization of appropriations, was omitted from the Code as expired on Sept. 30, 1977. See section 2848 of this title.

SHORT TITLE

Pub. L. 94-412, title II, § 201, Aug. 29, 1972, 86 Stat. 646, which provided that this chapter be cited as the "International Economic Policy Act of 1972", was omitted from the Code in view of the expiration of this chapter on Sept. 30, 1977. See section 2848 above.

DISCRIMINATORY TRADE PRACTICES AFFECTING UNITED STATES FOREIGN RELATIONS; REPORT TO CONGRESS

Pub. L. 95-426, title VI, § 606, Oct. 7, 1978, 92 Stat. 987, which provided that since those provisions of United States statutes which authorize or require suspension of or discrimination with respect to all trade between the United States and a particular foreign country and which effect, directly and significantly, the conduct of United States foreign relations should be periodically reevaluated by the President and Congress, and required the President, not later than Jan. 20, 1977, to transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations and the chairmen of other appropriate committees of the Senate, a report which identifies all statutory provisions which provide for such discriminatory trade practices, evaluates each such practice, and recommends, in the form of draft legislation, amendments to those provisions the President certifies would in his judgment advance United States foreign policy interest, was omitted from the Code as executed.

EXECUTIVE ORDER NO. 11858

Ex. Ord. No. 11858, May 7, 1975, 40 F.R. 20263, formerly set out as a note under this section, is now set out as a note under section 78b of Title 15, Commerce and Trade.

CHAPTER 43—INTERNATIONAL BROADCASTING

Sec.

2878. Reciprocity in use of broadcasting facilities by communist countries [New].

2879. Report to Congress; alternative plans for relocation of activities and personnel [New].

§ 2871. Congressional findings and declaration of purpose

The Congress finds and declares—

[*See main edition for text of* (1) *and* (2)]

(3) that Free Europe, Incorporated, and the Radio Liberty Committee, Incorporated (commonly referred to as Radio Free Europe and Radio Liberty), which have now been consolidated into RFE/RL, Incorporated, having demonstrated their effectiveness in furthering the open communication of information and ideas in Eastern Europe and the Union of Soviet Socialist Republics;

(4) that the continuation of RFE/RL, Incorporated, as an independent broadcast media, operating in a manner not inconsistent with the broad foreign policy objectives of the United States and in accordance with high professional standards, is in the national interest; and

(5) that in order to provide an effective instrumentality for the continuation of assistance to RFE/RL, Incorporated and to encourage a constructive dialog with the peoples of the Union of Soviet Socialist Republics and Eastern Europe, it is desirable to establish a Board for International Broadcasting.

(As amended Pub. L. 95-105, title III, § 302(a), Aug. 17, 1977, 91 Stat. 851.)

AMENDMENTS

1977—Par. (3). Pub. L. 95-105, § 302(a)(1), substituted "(commonly referred to as Radio Free Europe and Radio Liberty), which have now been consolidated into RFE/RL, Incorporated," for "(hereinafter referred to as Radio Free Europe and Radio Liberty),".

Par. (4). Pub. L. 95-105, § 302(a)(2), substituted "RFE/RL, Incorporated, as an" for "Radio Free Europe and Radio Liberty as".

Par. (5). Pub. L. 95-105, § 302(a)(3), substituted "RFE/RL, Incorporated" for "Radio Free Europe and Radio Liberty".

SHORT TITLE OF 1979 AMENDMENT

Pub. L. 96-60, title III, § 301, Aug. 15, 1979, 93 Stat. 402, provided that: "This title [enacting section 2879 of this title and amending section 2877 of this title] may be cited as the 'Board for International Broadcasting Authorization Act, Fiscal Years 1980 and 1981'."

§ 2872. Board for International Broadcasting

[*See main edition for text of* (a)]

(b)(1) Composition

The Board shall consist of seven members, two of whom shall be ex officio members. The President shall appoint, by and with the advice and consent of the Senate, five voting members, one of whom he shall designate as chairman. Not more than three of the members of the Board appointed by the President shall be of the same political party. The chief operating executive and the chairman of the Board of Directors of RFE/RL, Incorporated, shall be ex officio members of the Board and shall participate in the activities of the Board, but shall not vote in the determinations of the Board.

[*See main edition for text of* (2) *and* (3)]

(4) Term of office of ex officio members

An ex officio member of the Board shall serve on the Board during his or her term of service as chief operating executive or as chairman of the Board of Directors of RFE/RL, Incorporated, as the case may be.

[*See main edition for text of* (5); (c)]

(As amended Pub. L. 95-105, title III, § 302(b), Aug. 17, 1977, 91 Stat. 851; Pub. L. 95-426, title III, § 303, Oct. 7, 1978, 92 Stat. 976.)

AMENDMENTS

1978—Subsec. (b)(1). Pub. L. 95-426, § 303(1), substituted "The Board shall consist of seven members, two of whom shall be ex officio members" for "The Board shall consist of six members, one of whom shall be an ex officio member", and "and the chairman of the Board of Directors of RFE/RL, Incorporated, shall be ex officio members" for "of RFE/RL, Incorporated, shall be an ex officio member".

Subsec. (b)(4). Pub. L. 95-426, § 303(2), substituted "An ex officio member" for "The ex officio member", "during his or her term" for "during his term", added "or as chairman of the Board" following "executive" and "as the case may be" following "Incorporated".

1977—Subsec. (b)(1). Pub. L. 95-105, § 302(b)(1), substituted "RFE/RL, Incorporated," for "Radio Free Europe and Radio Liberty".

Subsec. (b)(4). Pub. L. 95-105, § 302(b)(2), substituted "RFE/RL, Incorporated" for "Radio Free Europe and Radio Liberty".

§ 2873. Functions of Board

(a) The Board is authorized:

(1) to make grants to RFE/RL, Incorporated, in order to carry out the purposes set forth in section 2871 of this title;

(2) to review and evaluate the mission and operation of RFE/RL, Incorporated, and to assess the quality, effectiveness and professional integrity of its broadcasting within the context of the broad foreign policy objectives of the United States;

(3) to encourage the most efficient utilization of available resources by RFE/RL, Incorporated, and to undertake, or request that RFE/RL, Incorporated, undertake, such studies as may be necessary to identify areas in which the operations of RFE/RL, Incorporated, may be made more efficient and economical;

(4) to develop and apply such financial procedures, and to make such audits of RFE/RL, Incorporated, as the Board may determine are necessary, to assure that grants are applied in accordance with the purposes for which such grants are made;

[*See main edition for text of* (5) *to* (7)]

(8) to make available for its own use or for the use of RFE/RL, Incorporated, for official reception and representational expenses not to exceed $65,000 of the funds made available to carry out this chapter each fiscal year;

(9) to report annually to the President and the Congress on or before the 31st day of January, summarizing the activities of the Board during the year ending the preceding September 30, and reviewing and evaluating the operation of RFE/RL, Incorporated, during such year; and

(10) to prescribe such regulations as the Board deems necessary to govern the manner in which its functions shall be carried out.

(b) In carrying out the foregoing functions, the Board shall bear in mind the necessity of maintaining the professional independence and integrity of RFE/RL, Incorporated.

(As amended Pub. L. 95-105, title III, § 302(c), Aug. 17, 1977, 91 Stat. 851; Pub. L. 95-426, title III, § 304(a), Oct. 7, 1978, 92 Stat. 976.)

AMENDMENTS

1978—Subsec. (a)(8). Pub. L. 95-426, § 304(a)(1), (2), added par. (8). Former par. (8) redesignated (9).

Subsec. (a)(9). Pub. L. 95-426, § 304(a)(1), redesignated former par. (8) as (9). Former par. (9) redesignated (10).

Subsec. (a)(10). Pub. L. 95-426, § 304(a)(1), redesignated former par. (9) as (10).

1977—Subsec. (a)(1). Pub. L. 95-105, § 302(c)(1), substituted "RFE/RL, Incorporated," for "Radio Free Europe and Radio Liberty".

Subsec. (a)(2). Pub. L. 95-105, § 302(c)(2), substituted "RFE/RL, Incorporated," for "Radio Free Europe and Radio Liberty," and "its" for "their".

Subsec. (a)(3). Pub. L. 95-105, § 302(c)(3), substituted "RFE/RL, Incorporated," for "Radio Free Europe and Radio Liberty" in three places.

Subsec. (a)(4). Pub. L. 95-105, § 302(c)(4), substituted "RFE/RL, Incorporated," for "Radio Free Europe and Radio Liberty".

Subsec. (a)(8). Pub. L. 95-105, § 302(c)(5), substituted "RFE/RL, Incorporated," for "Radio Free Europe and Radio Liberty".

Subsec. (b). Pub. L. 95-105, § 302(c)(6), substituted "RFE/RL, Incorporated" for "Radio Free Europe and Radio Liberty".

EFFECTIVE DATE OF 1978 AMENDMENT

Section 304(b) of Pub. L. 95-426 provided that: "The amendment made by subsection (a)(2) of this section [adding subsec. (a)(8) of this section] does not apply with respect to funds appropriated before the date of enactment of this Act [Oct. 7, 1978]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2877, 2879 of this title.

§ 2874. Recordkeeping requirements for RFE/RL, Incorporated

(a) Amounts and disposition of assistance; costs; portion of costs supplied by other sources; other records

The Board shall require that RFE/RL, Incorporated, keep records which fully disclose the amount and disposition of assistance provided under this chapter, the total cost of the undertakings or programs in connection with which such assistance is given or used, that portion of the cost of the undertakings or programs supplied by other sources, and such other records as will facilitate an effective audit.

(b) Access to records for audit and examination

The Board and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of RFE/RL, Incorporated, which, in the opinion of the Board or the Comptroller General, may be related or pertinent to the assistance provided under this chapter.

(c) Disclosure of persons and governments making contributions

No grant may be made under this chapter unless RFE/RL, Incorporated, agrees to make available, and does make available, for public inspection, during normal business hours at its principal office in the United States, a complete list of every person and government making a contribution to RFE/RL, Incorporated (including a contribution made to any corporation or other entity having a principal purpose of receiving private contributions on behalf of RFE/RL, Incorporated) during the fiscal year preceding the making of the grant and the fiscal year in which the grant is to be made, the address of the person or government making the contribution, the amount of each such contribution, and the date the contribution was made.

(As amended Pub. L. 95-105, title III, § 302(d), Aug. 17, 1977, 91 Stat. 852; Pub. L. 95-426, title III, § 305, Oct. 7, 1978, 92 Stat. 976.)

CODIFICATION

In subsec. (c) "REF/RL, Incorporated" was changed to read "RFE/RL, Incorporated" as the probable intent of Congress.

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-426 inserted "(including a contribution made to any corporation or other entity having a principal purpose of receiving private contributions on behalf of RFE/RL, Incorporated)" following "contribution to RFE/RL, Incorporated".

1977—Subsec. (a). Pub. L. 95-105, § 302(d)(1), substituted "RFE/RL, Incorporated," for "Radio Free Europe and Radio Liberty".

Subsec. (b). Pub. L. 95-105, § 302(d)(2), substituted "RFE/RL, Incorporated," for "Radio Free Europe and Radio Liberty".

Subsec. (c). Pub. L. 95-105, § 302(d)(3), substituted "RFE/RL, Incorporated," for "the radio to which the grant is to be made" and "RFE/RL, Incorporated," for "that radio".

§ 2877. Authorization of appropriations; fluctuations in foreign currency exchange rates affecting budgeted level of operation of RFE/RL, Incorporated

(a)(1) There are authorized to be appropriated to carry out the purposes of this chapter—

(A) $81,917,000 for the fiscal year 1980 and $86,787,000 for the fiscal year 1981, of which amount for each such year not less than $790,000 shall be available only to carry out the provisions of this chapter other than the provisions of paragraph (1) of section 2873(a) of this title, and

(B) such additional amounts for any fiscal year as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law.

(2) In order to maintain the level of operations authorized under paragraph (1) for RFE/RL, Incorporated, there are authorized to be appropriated such additional amounts as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the preceding fiscal year. Amounts appropriated under this paragraph shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines (and so certifies to the Congress) is necessary, because of such fluctuations, in order to maintain the level of operation authorized under paragraph (1) for RFE/RL, Incorporated.

(3) Amounts appropriated under this subsection are authorized to be made available until expended.

(b) The Director of the Office of Management and Budget shall place in reserve and inform the Congress of any amount appropriated under this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for RFE/RL, Incorporated.

(As amended Pub. L. 95-105, title III, § 301, Aug. 17, 1977, 91 Stat. 851; Pub. L. 95-426, title III, §§ 301(a), 302, 306, Oct. 7, 1978, 92 Stat. 975, 976; Pub. L. 96-60, title III, § 302, Aug. 15, 1979, 93 Stat. 402.)

AMENDMENTS

1979—Subsec. (a) Pub. L. 96-60 designated introductory provisions as par. (1); added subpar. (A); deleted item (1) appropriations authorization of $88,180,000 for fiscal year 1979, $5,000,000 to be available when determined by the Director of Office of Management and Budget to be necessary because of downward fluctuations in foreign currency exchange rates in order to maintain the budgeted level of operation for RFE/RL, Inc.; redesignated item (2) as subpar. (B), deleting therefrom use of appropriations for other nondiscretionary costs; and added par. (2) incorporating currency fluctuation provisions of item (1).

1978—Subsec. (a). Pub. L. 95-426, §§ 301(a), 306(a), in provision preceding par. (1), substituted "1979" for "1978", and in par. (1) substituted "$88,180,000" and "$5,000,000" for "$79,448,000" and "$8,500,000", respectively and "RFE/RL, Incorporated" for "Radio Free Europe and Radio Liberty".

Pub. L. 95-426, § 302, in par. (1), substituted "$79,448,000" and "$8,500,000" for "$68,980,000" and "$5,000,000", respectively, to reflect the supplemental authorization of appropriations for fiscal year 1978.

Subsec. (b). Pub. L. 95-426, § 306(b), substituted "RFE/RL, Incorporated" for "Radio Free Europe and Radio Liberty".

1977—Subsec. (a). Pub. L. 95-105 substituted in provisions preceding par. (1) "1978" for "1977" and in par. (1) "$68,980,000" for "$58,385,000".

EFFECTIVE DATE OF 1978 AMENDMENT

Section 301(b) of Pub. L. 95-426 provided that: "The amendments made by subsection (a) of this section [amending subsec. (a) of this section by authorizing the amount of appropriation for fiscal year 1979] shall take effect on October 1, 1978."

§ 2878. Reciprocity in use of broadcasting facilities by communist countries

No funds or other assistance may be provided by the Board under this chapter to RFE/RL, Incorporated, if RFE/RL, Incorporated, permits any Communist country (within the meaning of section 2370(f) of this title) to use its broadcasting facilities unless that Communist country permits RFE/RL, Incorporated, to use that country's broadcasting facilities on a comparable basis.

(Pub. L. 93-129, § 9, as added Pub. L. 95-426, title III, § 307, Oct. 7, 1978, 92 Stat. 977.)

§ 2879. Report to Congress; alternative plans for relocation of activities and personnel

Under the authority of section 2873(a)(3) of this title, the Board shall prepare and transmit to the Congress, on or before October 1, 1979, a report setting forth alternative plans for the relocation to the territory of the United States of such activities of RFE/RL, Incorporated, as would result in the transfer to the United States of not less than 10 percent, 25 percent, and 50 percent, respectively, of the total personnel of RFE/RL, Incorporated. For each such alternative plan, the report shall include—

(1) proposals for the timing of such transfer and the recommended location in the United States of such personnel;

(2) estimates of the costs and amortization period for such plan;

(3) a consideration of the impact of such plan on the operating efficiency of RFE/RL, Incorporated, and on the effectiveness of RFE/RL, Incorporated, in achieving its program objectives; and

(4) any other significant anticipated consequences of such a relocation.

(Pub. L. 93-129, § 10, as added Pub. L. 96-60, title III, § 303, Aug. 15, 1979, 93 Stat. 402.)

CHAPTER 44—JAPAN-UNITED STATES FRIENDSHIP

§ 2905. Administrative powers of Commission

In order to carry out its functions under this chapter, the Commission is authorized to—

[*See main edition for text of (1) to (8)*]

(9) make advances, progress, and other payments which the Commission deems necessary under this chapter;

(10) obtain such administrative support services and personnel as the Commission deems necessary and appropriate to its needs; and

(11) transmit its official mail as penalty mail in the same manner and upon the same conditions as an officer of the United States other than a Member of Congress is permitted to transmit official mail as penalty mail under section 3202 of title 39.

(As amended Pub. L. 95-426, title VII, § 703(a), Oct. 7, 1978, 92 Stat. 992.)

AMENDMENTS

1978—Par. (11). Pub. L. 95-426 added par. (11).

EFFECTIVE DATE OF 1978 AMENDMENT

Section 703(b) of Pub. L. 95-426 provided that: "The amendments made by this section [adding par. (11) of this section] shall take effect on October 1, 1978."

CHAPTER 45—COMMISSION ON SECURITY AND COOPERATION IN EUROPE

§ 3007. Authorization of appropriations

(a) There is authorized to be appropriated to the Commission for each fiscal year and to remain available until expended $550,000 to assist in meeting the expenses of the Commission for the purpose of carrying out the provisions of this chapter, such appropriation to be disbursed on voucher to be approved by the Chairman of the Commission.

[*See main edition for text of (b)*]

(c) Not to exceed $6,000 of the funds appropriated to the Commission for each fiscal year may be used for official reception and representational expenses.

(As amended Pub. L. 95-426, title VII, § 702, Oct. 7, 1978, 92 Stat. 992; Pub. L. 96-60, title IV, § 401, Aug. 15, 1979, 93 Stat. 403.)

AMENDMENTS

1979—Subsec. (c). Pub. L. 96-60 added subsec. (c).

1978—Subsec. (a). Pub. L. 95-426 substituted "$550,000" for "$350,000".

CHAPTER 46—INTERNATIONAL INVESTMENT SURVEY

§ 3101. Congressional statement of findings and declaration of purpose

EX. ORD. NO. 11961. ADMINISTRATION OF CHAPTER

Ex. Ord. No. 11961, Jan. 19, 1977, 42 F.R. 4321, as amended by Ex. Ord. No. 12013, Oct. 7, 1977, 42 F.R. 54931, provided:

[*See main edition for text of 1st par. and Secs. 1 to 3*]

SEC. 4. Subject to the provisions of section 1 of this order, and in the absence of any contrary delegation or direction by the Director, the Secretary of Commerce shall perform the functions set forth in Sections 4(a)(3) and (5)(c) of the Act [sections 3103(a)(3) and 3104(e) of this title].

§ 3103. Presidential authority and duties

(a) Data collection program; studies and surveys; periodic report to congressional committees; statistical information publication

The President shall, to the extent he deems necessary and feasible—

[*See main edition for text of (1) and (2)*]

(3) study the adequacy of information, disclosure, and reporting requirements and procedures relating to international investment; recommend necessary improvements in information recording, collection, and retrieval and in statistical analysis and presentation relating to international investment; and report periodically to the Committees on Foreign Relations and Commerce of the Senate and the Committee on Foreign Affairs of the House of Representatives on national and international developments with respect to laws and regulations affecting international investment; and

[*See main volume for text of (4); (b) and (c)*]

(d) Omitted

[*See main edition for text of (e) and (f)*]

(As amended Pub. L. 95-381, § 2, Sept. 22, 1978, 92 Stat. 726; H. Res. 89, Feb. 5, 1979.)

CODIFICATION

Subsec. (d) of this section, which provided that the President conduct a study of the feasibility of estab-

lishing a system to monitor foreign direct investment in agriculture, rural, and urban real property, including the feasibility of establishing a nationwide multipurpose land data system, and submit to the Congress an interim report of his findings and conclusions not later than two years after October 11, 1976, and a final report of such findings and conclusions not later than three years after October 11, 1976, was omitted from the Code as executed.

AMENDMENTS

1978—Subsec. (d). Pub. L. 95-381 substituted provisions setting forth requirements respecting interim and final reports to Congress, for provisions requiring submission of findings and conclusions to Congress not later than two years after Oct. 11, 1976.

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

§ 3106. Use of experts and administrative support services; compensation and travel expenses; use of available federal agency services, equipment, personnel, and facilities

REFERENCES IN TEXT

Section 5703 of title 5, referred to in subsec. (a), was amended generally by Pub. L. 94-22, § 4, May 19, 1975, 89 Stat. 85, and as so amended does not contain a subsec. (b).

§ 3107. Consultations; creation of independent public advisory committees; review and annual report to Congress by President

[See main edition for text of (a)]

(b) The President shall review the results of any studies and surveys conducted pursuant to this chapter and report annually to the Committee on Foreign Affairs of the House of Representatives and the appropriate committees of the Senate on any trends or developments which may have national policy implications and which in the President's opinion warrant the review of the respective committees.

(As amended Pub. L. 95-381, § 3, Sept. 22, 1978, 92 Stat. 726; H. Res. 89, Feb. 5, 1979.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-381 substituted references to the President, for references to the Council on International Economic Policy.

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

EXECUTIVE ORDER NO. 11962

Ex. Ord. No. 11962, Jan. 19, 1977, 42 F.R. 4323, set out as a note under this section in the 1976 edition to this Code, which established the President's Advisory Board on International Investment, was revoked by Ex. Ord. No. 12007, Aug. 22, 1977, 42 F.R. 42839, set out as a note under section 14 of Appendix of Title 5, Government Organization and Employees.

§ 3108. Authorization of appropriations

To carry out this chapter, there are authorized to be appropriated $4,400,000 for the fiscal year ending September 30, 1980, and $4,500,000 for the fiscal year ending September 30, 1981.

(As amended Pub. L. 95-381, § 1, Sept. 22, 1978, 92 Stat. 726; Pub. L. 96-72, § 23(a), Sept. 29, 1979, 93 Stat. 536.)

AMENDMENTS

1979—Pub. L. 96-72 substituted provisions authorizing appropriations of $4,400,000 for the fiscal year ending Sept. 30, 1980, and $4,500,000 for the fiscal year ending Sept. 30, 1981, for provisions authorizing appropriations of $4,000,000 for the fiscal year ending Sept. 30, 1979.

1978—Pub. L. 95-381 increased authorization from $1,000,000 to $4,000,000, and struck out provisions authorizing appropriation of $1,000,000 for the fiscal year ending Sept. 30, 1978.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 23(b) of Pub. L. 96-72 provided that: "The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1979."

EFFECTIVE DATE OF 1978 AMENDMENT

Section 4 of Pub. L. 95-381 provided that: "The amendment made by the first section of this Act [amending this section] shall take effect on October 1, 1978."

CHAPTER 47—NUCLEAR NON-PROLIFERATION [NEW]

Sec.

3201. Congressional declaration of policy.
3202. Congressional statement of purpose.
3203. Definitions.

SUBCHAPTER I—UNITED STATES INITIATIVES TO PROVIDE ADEQUATE NUCLEAR FUEL SUPPLY

3221. Congressional declaration of policy.
3222. Uranium enrichment capacity.
3223. International undertakings.
(a) Development of international approaches for meeting future worldwide nuclear fuel needs; international nuclear fuel authority.
(b) Initial fuel assurances; submission of proposals to Congress.
(c) Foreign participation in new United States uranium enrichment facilities.
(d) Adherence of nations to policies to prevent proliferation.
(e) Report on progress of negotiations.
(f) Congressional approval of non-treaty international undertakings; submission of proposals.
3224. Reevaluation of nuclear fuel cycle.
3224a. Studies and agreements by Secretary of Energy on multinational or international basis concerning spent fuel storage facilities and transportation systems; Congressional consent; authorization of appropriations; limitations on use of funds; exceptions; special nuclear material for India.

SUBCHAPTER II—UNITED STATES INITIATIVES TO STRENGTHEN THE INTERNATIONAL SAFEGUARDS SYSTEM

3241. Congressional declaration of policy.
3242. Training program.
3243. Negotiations.

SUBCHAPTER III—UNITED STATES ASSISTANCE TO DEVELOPING COUNTRIES

3261. Congressional declaration of policy; Presidential report to Congress.

Sec.
3262. Programs.
(a) Energy development programs.
(b) Energy assessments and cooperative projects.
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 3303, 3408 of this title; title 42 sections 2153c, 2153d, 2153e–1, 2153f.

§ 3201. Congressional declaration of policy

The Congress finds and declares that the proliferation of nuclear explosive devices or of the direct capability to manufacture or otherwise acquire such devices poses a grave threat to the security interests of the United States and to continued international progress toward world peace and development. Recent events emphasize the urgency of this threat and the imperative need to increase the effectiveness of international safeguards and controls on peaceful nuclear activities to prevent proliferation. Accordingly, it is the policy of the United States to—

(a) actively pursue through international initiatives mechanisms for fuel supply assurances and the establishment of more effective international controls over the transfer and use of nuclear materials and equipment and nuclear technology for peaceful purposes in order to prevent proliferation, including the establishment of common international sanctions;

(b) take such actions as are required to confirm the reliability of the United States in meeting its commitments to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation policies by establishing procedures to facilitate the timely processing of requests for subsequent arrangements and export licenses;

(c) strongly encourage nations which have not ratified the Treaty on the Non-Proliferation of Nuclear Weapons to do so at the earliest possible date; and

(d) cooperate with foreign nations in identifying and adapting suitable technologies for energy production and, in particular, to identify alternative options to nuclear power in aiding such nations to meet their energy needs, consistent with the economic and material resources of those nations and environmental protection.

(Pub. L. 95–242, § 2, Mar. 10, 1978, 92 Stat. 120.)

EFFECTIVE DATE

Section 603(c) of Pub. L. 95–242 provided that: "Except where otherwise provided, the provisions of this Act [see Short Title note below] shall take effect immediately upon enactment [Mar. 10, 1978] regardless of any requirement for the promulgation of regulations to implement such provisions."

SHORT TITLE

Section 1 of Pub. L. 95–242 provided: "That this Act [enacting this chapter and sections 2139a, 2141, 2153a to 2153e, 2153f, and 2155 to 2160a of Title 42, The Public Health and Welfare, amending sections 2074, 2075, 2077, 2094, 2139, and 2153 of Title 42, and enacting provisions set out as notes under sections 3201, 3222, and 3262 of this title and section 2139 of Title 42] may be cited as the 'Nuclear Non-Proliferation Act of 1978'."

ADVOCACY AND ENCOURAGEMENT BY UNITED STATES OF NONPARTIES TO TREATY ON NON-PROLIFERATION OF NUCLEAR WEAPONS TO BECOME SIGNATORIES; REPORT TO CONGRESS

Pub. L. 96–53, title V, § 507, Aug. 14, 1979, 93 Stat. 378, provided that:

(a) In accordance with the Nuclear Non-Proliferation Act of 1978 [see Short Title note above], the Congress strongly urges all nations which are not parties to the Treaty on Non-Proliferation of Nuclear Weapons to become parties to that treaty.

"(b) Not later than November 1, 1979, the Secretary of State shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, a report specifying, on a country-by-country basis, what efforts the Department of State has made to encourage nations which are not parties to the Treaty on Non-Proliferation of Nuclear Weapons to become parties to that treaty."

EX. ORD. NO. 12058. FUNCTIONS RELATING TO NUCLEAR NON-PROLIFERATION

Ex. Ord. No. 12058, May 11, 1978, 43 F.R. 20947, provided:

By virtue of the authority vested in me by the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242, 92 Stat. 120, 22 U.S.C. 3201) [see Short Title note above] and the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. *Department of Energy.* The following functions vested in the President by the Nuclear Non-Proliferation Act of 1978 (92 Stat. 120, 22 U.S.C. 3201), hereinafter referred to as the Act, and by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), hereinafter referred to as the 1954 Act, are delegated or assigned to the Secretary of Energy:

(a) That function vested by Section 402(b) of the Act (92 Stat. 145, 42 U.S.C. 2153a).

(b) Those functions vested by Sections 131a(2)(G), 131b(1), and 131f(2) of the 1954 Act (92 Stat. 127, 42 U.S.C. 2160).

(c) That function vested by Section 131f(1)(A)(ii) of the 1954 Act [42 U.S.C. 2160(f)(1)(A)(ii)], to the extent it relates to the preparation of a detailed generic plan.

SEC. 2. *Department of State.* The Secretary of State shall be responsible for performing the following functions vested in the President:

(a) Those functions vested by Sections 104(a), 104(d), 105, 403, 404, 407, and 501 of the Act (92 Stat. 122, 123, 123, 146, 147, 148, and 148, 22 U.S.C. 3223(a), 3223(d), 3224, and 42 U.S.C. 2153b, 2153c, 2153e, and 22 U.S.C. 3261).

(b) That function vested by Section 128a(2) of the 1954 Act (92 Stat. 137, 42 U.S.C. 2157(a)(2)).

(c) That function vested by Section 601 of the Act [section 3281 of this title] to the extent it relates to the preparation of an annual report.

(d) The preparation of timely information and recommendations related to the President's functions vested by Sections 126, 128b, and 129 of the 1954 Act (92 Stat. 131, 137, and 138, 42 U.S.C. 2155, 2157, and 2158).

(e) That function vested by Section 131c of the 1954 Act (92 Stat. 129, 42 U.S.C. 2160(c)); except that, the Secretary shall not waive the 60-day requirement for the preparation of a Nuclear Non-Proliferation Assessment Statement for more than 60 days without the approval of the President.

SEC. 3. *Department of Commerce.* The Secretary of Commerce shall be responsible for performing the function vested in the President by Section 309(c) of the Act (92 Stat. 141, 42 U.S.C. 2139a).

SEC. 4. *Coordination.* In performing the functions assigned to them by this Order, the Secretary of Energy and the Secretary of State shall consult and coordinate their actions with each other and with the heads of other concerned agencies.

SEC. 5. *General Provisions.* (a) Executive Order No. 11902 of February 2, 1976, entitled "Procedures for an Export Licensing Policy as to Nuclear Materials and Equipment," is revoked.

(b) The performance of functions under either the Act or the 1954 Act shall not be delayed pending the development of procedures, even though as many as 120 days are allowed for establishing them. Except where it would be inconsistent to do so, such functions shall be carried out in accordance with procedures similar to those in effect immediately prior to the effective date of the Act.

JIMMY CARTER.

§ 3202. Congressional statement of purpose

It is the purpose of this chapter to promote the policies set forth above by—

(a) establishing a more effective framework for international cooperation to meet the energy needs of all nations and to ensure that the worldwide development of peaceful nuclear activities and the export by any nation of nuclear materials and equipment and nuclear technology intended for use in peaceful nuclear activities do not contribute to proliferation;

(b) authorizing the United States to take such actions as are required to ensure that it will act reliably in meeting its commitment to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation policies;

(c) providing incentives to the other nations of the world to join in such international cooperative efforts and to ratify the Treaty; and

(d) ensuring effective controls by the United States over its exports of nuclear materials and equipment and of nuclear technology.

(Pub. L. 95-242, § 3, Mar. 10, 1978, 92 Stat. 120.)

REFERENCES IN TEXT

This chapter, referred to in provision preceding par. (a), was in the original, this Act, meaning Pub. L. 95-242, Mar. 10, 1978, 92 Stat. 120, known as the Nuclear Non-Proliferation Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 3201 of this title and Tables.

§ 3203. Definitions

(a) As used in this chapter, the term—

(1) "Commission" means the Nuclear Regulatory Commission;

(2) "Director" means the Director of the Arms Control and Disarmament Agency;

(3) "IAEA" means International Atomic Energy Agency;

(4) "nuclear materials and equipment" means source material, special nuclear material, production facilities, utilization facilities, and components, items or substances determined to have significance for nuclear explosive purposes pursuant to subsection 109b[1] of the 1954 Act [42 U.S.C. 2139(b)];

(5) "physical security measures" means measures to reasonably ensure that source or special nuclear material will only be used for authorized purposes and to prevent theft and sabotage;

(6) "sensitive nuclear technology" means any information (including information incorporated in a production or utilization facility or important component part thereof) which is not available to the public and which is important to the design, construction, fabrication, operation or maintenance of a uranium enrichment or nuclear fuel reprocessing facility or a facility for the production of heavy water, but shall not include Restricted Data controlled pursuant to chapter 12 of the 1954 Act [42 U.S.C. 2161 et seq.];

(7) "1954 Act" means the Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 et seq.]; and

(8) "the Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons.

(b) All other terms used in this chapter not defined in this section shall have the meanings ascribed to them by the 1954 Act, the Energy Reorganization Act of 1974 [42 U.S.C. 5801 et seq.], and the Treaty.

(Pub. L. 95-242, § 4, Mar. 10, 1978, 92 Stat. 121.)

REFERENCES IN TEXT

The Atomic Energy Act of 1954, as amended, referred to in subsec. (a)(6), (7), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 921, which is classified principally to chapter 23 (section 2011 et seq.) of Title 42, The Public Health and Welfare. Chapter 12 of the 1954 Act is classified generally to subchapter XI (§ 2161) of chapter 23 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

The Energy Reorganization Act of 1974, referred to in subsec. (b), is Pub. L. 93-438, Oct. 11, 1974, 88 Stat. 1233, as amended, which is classified principally to chapter 73 (§ 5801 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of Title 42 and Tables.

SUBCHAPTER I—UNITED STATES INITIATIVES TO PROVIDE ADEQUATE NUCLEAR FUEL SUPPLY

§ 3221. Congressional declaration of policy

The United States, as a matter of national policy, shall take such actions and institute such measures as may be necessary and feasible

[1] So in the original. Probably should read "section 109(b) of the 1954 Act".

to assure other nations and groups of nations that may seek to utilize the benefits of atomic energy for peaceful purposes that it will provide a reliable supply of nuclear fuel to those nations and groups of nations which adhere to policies designed to prevent proliferation. Such nuclear fuel shall be provided under agreements entered into pursuant to section 2201 of title 42 or as otherwise authorized by law. The United States shall ensure that it will have available the capacity on a long-term basis to enter into new fuel supply commitments consistent with its non-proliferation policies and domestic energy needs. The Commission shall, on a timely basis, authorize the export of nuclear materials and equipment when all the applicable statutory requirements are met.

(Pub. L. 95-242, title I, § 101, Mar. 10, 1978, 92 Stat. 121.)

EFFECTIVE DATE

Subchapter effective Mar. 10, 1978, except as otherwise provided and regardless of any requirements for the promulgation of implementing regulations, see section 603(c) of Pub. L. 95-242, set out as an Effective Date note under section 3201 of this title.

§ 3222. Uranium enrichment capacity

The Secretary of Energy is directed to initiate construction planning and design, construction, and operation activities for expansion of uranium enrichment capacity, as elsewhere provided by law. Further the Secretary as well as the Nuclear Regulatory Commission, the Secretary of State, and the Director of the Arms Control and Disarmament Agency are directed to establish and implement procedures which will ensure to the maximum extent feasible, consistent with this chapter, orderly processing of subsequent arrangements and export licenses with minimum time delay.

(Pub. L. 95-242, title I, § 102, Mar. 10, 1978, 92 Stat. 122.)

STUDY TO DETERMINE NEED FOR ADDITIONAL UNITED STATES ENRICHMENT CAPACITY; REPORT TO CONGRESS ON OR BEFORE MARCH 10, 1979

Section 103 of Pub. L. 95-242, which provided that the President promptly undertake a study to determine the need for additional United States enrichment capacity to meet domestic and foreign needs and to promote United States non-proliferation objectives abroad and report to Congress on the results of this study within twelve months after Mar. 10, 1978, was omitted from the Code as executed.

§ 3223. International undertakings

(a) Development of international approaches for meeting future worldwide nuclear fuel needs; international nuclear fuel authority

Consistent with section 3224 of this title, the President shall institute prompt discussions with other nations and groups of nations, including both supplier and recipient nations, to develop international approaches for meeting future worldwide nuclear fuel needs. In particular, the President is authorized and urged to seek to negotiate as soon as practicable with nations possessing nuclear fuel production facilities or source material, and such other nations and groups of nations, such as the IAEA, as may be deemed appropriate, with a view toward the timely establishment of binding international undertakings providing for—

(1) the establishment of an international nuclear fuel authority (INFA) with responsibility for providing agreed upon fuel services and allocating agreed upon quantities of fuel resources to ensure fuel supply on reasonable terms in accordance with agreements between INFA and supplier and recipient nations;

(2) a set of conditions consistent with subsection (d) of this section under which international fuel assurances under INFA auspices will be provided to recipient nations, including conditions which will ensure that the transferred materials will not be used for nuclear explosive devices;

(3) devising, consistent with the policy goals set forth in section 2153b of title 42, feasible and environmentally sound approaches for the siting, development, and management under effective international auspices and inspection of facilities for the provision of nuclear fuel services, including the storage of special nuclear material;

(4) the establishment of repositories for the storage of spent nuclear reactor fuel under effective international auspices and inspection;

(5) the establishment of arrangements under which nations placing spent fuel in such repositories would receive appropriate compensation for the energy content of such spent fuel if recovery of such energy content is deemed necessary or desirable; and

(6) sanctions for violation of the provisions of or for abrogation of such binding international undertakings.

(b) Initial fuel assurances; submission of proposals to Congress

The President shall submit to Congress not later than six months after March 10, 1978, proposals for initial fuel assurances, including creation of an interim stockpile of uranium enriched to less than 20 percent in the uranium isotope 235 (low-enriched uranium) to be available for transfer pursuant to a sales arrangement to nations which adhere to strict policies designed to prevent proliferation when and if necessary to ensure continuity of nuclear fuel supply to such nations. Such submission shall include proposals for the transfer of low-enriched uranium up to an amount sufficient to produce 100,000 MWe years of power from light water nuclear reactors, and shall also include proposals for seeking contributions from other supplier nations to such an interim stockpile pending the establishment of INFA.

(c) Foreign participation in new United States uranium enrichment facilities

The President shall, in the report required by section 103, also address the desirability of and options for foreign participation, including investment, in new United States uranium enrichment facilities. This report shall also address the arrangements that would be required to implement such participation and the commitments that would be required as a condition of such participation. This report shall be accompanied by any proposed legislation to implement these arrangements.

(d) Adherence of nations to policies designed to prevent proliferation

The fuel assurances contemplated by this section shall be for the benefit of nations that adhere to policies designed to prevent proliferation. In negotiating the binding international undertakings called for in this section, the President shall, in particular, seek to ensure that the benefits of such undertakings are available to non-nuclear-weapon states only if such states accept IAEA safeguards on all their peaceful nuclear activities, do not manufacture or otherwise acquire any nuclear explosive device, do not establish any new enrichment or reprocessing facilities under their de facto or de jure control, and place any such existing facilities under effective international auspices and inspection.

(e) Report on progress of negotiations

The report required by section 3281 of this title shall include information on the progress made in any negotiations pursuant to this section.

(f) Congressional approval of non-treaty international undertakings; submission of proposals

(1) The President may not enter into any binding international undertaking negotiated pursuant to subsection (a) of this section which is not a treaty until such time as such proposed undertaking has been submitted to the Congress and has been approved by concurrent resolution.

(2) The proposals prepared pursuant to subsection (b) of this section shall be submitted to the Congress as part of an annual authorization Act for the Department of Energy.

(Pub. L. 95–242, title I, § 104, Mar. 10, 1978, 92 Stat. 122.)

REFERENCES IN TEXT

Section 103, referred to in subsec. (c), is section 103 of Pub. L. 95–242, title I, Mar. 10, 1978, 92 Stat. 122, which is set out as a note under section 3222 of this title.

DELEGATION OF FUNCTIONS

The Secretary of State to be responsible for performing the functions vested in the President under subsecs. (a) and (d) of this section, see section 2(a) of Ex. Ord. No. 12058, May 11, 1978, 43 F.R. 20947, set out as a note under section 3201 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3281 of this title.

§ 3224. Reevaluation of nuclear fuel cycle

The President shall take immediate initiatives to invite all nuclear supplier and recipient nations to reevaluate all aspects of the nuclear fuel cycle, with emphasis on alternatives to an economy based on the separation of pure plutonium or the presence of high enriched uranium, methods to deal with spent fuel storage, and methods to improve the safeguards for existing nuclear technology. The President shall, in the first report required by section 3281 of this title, detail the progress of such international reevaluation.

(Pub. L. 95–242, title I, § 105, Mar. 10, 1978, 92 Stat. 123.)

DELEGATION OF FUNCTIONS

The Secretary of State to be responsible for performing the functions vested in the President under this section, see section 2(a) of Ex. Ord. No. 12058, May 11, 1978, 43 F.R. 20947, set out as a note under section 3201 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3223, 3281 of this title; title 42 section 2160.

§ 3224a. Studies and agreements by Secretary of Energy on multinational or international basis concerning spent fuel storage facilities and transportation systems; Congressional consent; authorization of appropriations; limitations on use of funds; exceptions; special nuclear material for India

Department of Energy is hereby authorized to undertake studies, in cooperation with other nations, on a multinational or international basis designed to determine the general feasibility of expanding capacity of existing spent fuel storage facilities; to enter into agreements, subject to the consent of the Congress (by joint or concurrent resolution or legislation hereafter enacted), with other nations or groups of nations, for providing appropriate support to increase international or multinational spent fuel storage capacity; to conduct studies on the feasibility of establishing regional storage sites; and to conduct studies on international transportation and storage systems. For the purpose of carrying out the provisions of this section, there is included in subsection 101(20) of this Act authorization of appropriations in the amount of $20,000,000: *Provided*, That, notwithstanding any other provision of law, that none of the funds made available to the Secretary of Energy under any other authorization or appropriation Act shall be used, directly or indirectly, for the repurchase, transportation or storage of any foreign spent nuclear fuel (including any nuclear fuel irradiated in any nuclear power reactor located outside of the United States and operated by any foreign legal entity, government or nongovernment, regardless of the legal ownership or control of the fuel or the reactor, and regardless of the origin or licensing of the fuel or the reactor, but not including fuel irradiated in a research reactor, and not including fuel irradiated in a power reactor if the President determines that (1) use of funds for repurchase, transportation or storage of such fuel is required by an emergency situation, (2) it is in the interest of the common defense and security of the United States to take such action, and (3) he notifies the Congress of the determination and action, with a detailed explanation and justification thereof, as soon as possible) unless the President formally notifies, with the report information specified herein, the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives of such use of funds thirty calendar days, during such time as either House of Congress is in session, before the commitment, ex-

penditure, or obligation of such funds: *And provided further,* That, notwithstanding any other provision of law, that none of the funds appropriated pursuant to this Act or any other funds made available to the Secretary of Energy under any other authorization or appropriation Act shall be used, directly or indirectly, for the repurchase, transportation, or storage of any such foreign spent nuclear fuel for storage or other disposition, interim or permanent, in the United States, unless the use of the funds for that specific purpose has been (1) previously and expressly authorized by Congress in legislation hereafter enacted, (2) previously and expressly authorized by a concurrent resolution, or (3) the President submits a plan for such use, with the report information specified herein, thirty days during which the Congress is in continuous session, as defined in the Impoundment Control Act of 1974 [31 U.S.C. 1400 et seq.], prior to such use and neither House of Congress approves a resolution of disapproval of the plan prior to the expiration of the aforementioned thirty-day period. If such a resolution of disapproval has been introduced, but has not been reported by the Committee on or before the twentieth day after transmission of the Presidential message, a privileged motion shall be in order in the respective body to discharge the Committee from further consideration of the resolution and to provide for its immediate consideration, using the procedures specified for consideration of an impoundment resolution in section 1017 of the Impoundment Control Act of 1974 (31 U.S.C. 1407). Any report or plan proposed under this proviso shall include information and any supporting documentation thereof relating to policy objectives, technical description and discussion, geographic information, cost data, justification and projections, legal and regulatory considerations, environmental impact information and any related bilateral or international agreements, arrangements or understandings: *And provided further,* That nothing contained in this section shall be construed in any executive branch action, administrative proceeding, regulatory proceeding, or legal proceeding as being intended to delay, modify, or reverse the Memorandum and Order of the Nuclear Regulatory Commission of June 28, 1977, for the issuance of License No. XSNM-845 to the agent-applicant for the Government of India and the subsequent export thereby licensed of the special nuclear material to be used as fuel for the Tarapur Atomic Power Station or any other order of the Nuclear Regulatory Commission to issue a license for the export of special nuclear material and subsequent exports thereby licensed, or any consideration by the Nuclear Regulatory Commission of a license application for the export of special nuclear material.

(Pub. L. 95-238, title I, § 107, Feb. 25, 1978, 92 Stat. 55.)

REFERENCES IN TEXT

Section 101(20) of this Act, referred to in text, is section 101(20) of Pub. L. 95-238, title I, Feb. 25, 1978, 92 Stat. 48, which authorized appropriations for fuel cycle research and development and which was not classified to the Code. Pub. L. 95-238 is known as the Department of Energy Act of 1978—Civilian Applications.

The Impoundment Control Act of 1974, referred to in text, is title X of Pub. L. 93-344, July 12, 1974, 88 Stat. 332, as amended, which is classified principally to chapter 26 (section 1400 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title note set out under section 1400 of Title 31 and Tables.

CODIFICATION

Section was enacted as part of the Department of Energy Act of 1978—Civilian Applications, and not as part of the Nuclear Non-Proliferation Act of 1978 which comprises this chapter.

SUBCHAPTER II—UNITED STATES INITIATIVES TO STRENGTHEN THE INTERNATIONAL SAFEGUARDS SYSTEM

§ 3241. Congressional declaration of policy

The United States is committed to continued strong support for the principles of the Treaty on the Non-Proliferation of Nuclear Weapons, to a strengthened and more effective International Atomic Energy Agency and to a comprehensive safeguards system administered by the Agency to deter proliferation. Accordingly, the United States shall seek to act with other nations to—

(a) continue to strengthen the safeguards program of the IAEA and, in order to implement this section, contribute funds, technical resources, and other support to assist the IAEA in effectively implementing safeguards;

(b) ensure that the IAEA has the resources to carry out the provisions of Article XII of the Statute of the IAEA;

(c) improve the IAEA safeguards system (including accountability) to ensure—

(1) the timely detection of a possible diversion of source or special nuclear materials which could be used for nuclear explosive devices;

(2) the timely dissemination of information regarding such diversion; and

(3) the timely implementation of internationally agreed procedures in the event of such diversion;

(d) ensure that the IAEA receives on a timely basis the data needed for it to administer an effective and comprehensive international safeguards program and that the IAEA provides timely notice to the world community of any evidence of a violation of any safeguards agreement to which it is a party; and

(e) encourage the IAEA, to the maximum degree consistent with the Statute, to provide nations which supply nuclear materials and equipment with the data needed to assure such nations of adherence to bilateral commitments applicable to such supply.

(Pub. L. 95-242, title II, § 201, Mar. 10, 1978, 92 Stat. 124.)

EFFECTIVE DATE

Subchapter effective Mar. 10, 1978, except as otherwise provided and regardless of any requirements for the promulgation of implementing regulations, see section 603(c) of Pub. L. 95-242, set out as an Effective Date note under section 3201 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3281 of this title.

§ 3242. Training program

The Department of Energy, in consultation with the Commission, shall establish and operate a safeguards and physical security training program to be made available to persons from nations and groups of nations which have developed or acquired, or may be expected to develop or acquire, nuclear materials and equipment for use for peaceful purposes. Any such program shall include training in the most advanced safeguards and physical security techniques and technology, consistent with the national security interests of the United States.

(Pub. L. 95–242, title II, § 202, Mar. 10, 1978, 92 Stat. 124.)

§ 3243. Negotiations

The United States shall seek to negotiate with other nations and groups of nations to—

(1) adopt general principles and procedures, including common international sanctions, to be followed in the event that a nation violates any material obligation with respect to the peaceful use of nuclear materials and equipment or nuclear technology, or in the event that any nation violates the principles of the Treaty, including the detonation by a non-nuclear-weapon state of a nuclear explosive device; and

(2) establish international procedures to be followed in the event of diversion, theft, or sabotage of nuclear materials or sabotage of nuclear facilities, and for recovering nuclear materials that have been lost or stolen, or obtained or used by a nation or by any person or group in contravention of the principles of the Treaty.

(Pub. L. 95–242, title II, § 203, Mar. 10, 1978, 92 Stat. 124.)

SUBCHAPTER III—UNITED STATES ASSISTANCE TO DEVELOPING COUNTRIES

§ 3261. Congressional declaration of policy; Presidential report to Congress

The United States shall endeavor to cooperate with other nations, international institutions, and private organizations in establishing programs to assist in the development of non-nuclear energy resources, to cooperate with both developing and industrialized nations in protecting the international environment from contamination arising from both nuclear and non-nuclear energy activities, and shall seek to cooperate with and aid developing countries in meeting their energy needs through the development of such resources and the application of non-nuclear technologies consistent with the economic factors, the material resources of those countries, and environmental protection. The United States shall additionally seek to encourage other industrialized nations and groups of nations to make commitments for similar cooperation and aid to developing countries. The President shall report annually to Congress on the level of other nations' and groups of nations' commitments under such program and the relation of any such commitments to United States efforts under this title. In cooperating with and providing such assistance to developing countries, the United States shall give priority to parties to the Treaty.

(Pub. L. 95–242, title V, § 501, Mar. 10, 1978, 92 Stat. 148.)

EFFECTIVE DATE

Subchapter effective Mar. 10, 1978, except as otherwise provided and regardless of any requirements for the promulgation of implementing regulations, see section 603(c) of Pub. L. 95–242, set out as an Effective Date note under section 3201 of this title.

DELEGATION OF FUNCTIONS

The Secretary of State to be responsible for performing the functions vested in the President under this section, see section 2(a) of Ex. Ord. No. 12058, May 11, 1978, 43 F.R. 20947, set out as a note under section 3201 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3262 of this title; title 12 sections 635, 635g.

§ 3262. Programs

(a) Energy development programs

The United States shall initiate a program, consistent with the aims of section 3261 of this title, to cooperate with developing countries for the purpose of—

(1) meeting the energy needs required for the development of such countries;

(2) reducing the dependence of such countries on petroleum fuels, with emphasis given to utilizing solar and other renewable energy resources; and

(3) expanding the energy alternatives available to such countries.

(b) Energy assessments and cooperative projects

Such program shall include cooperation in evaluating the energy alternatives of developing countries, facilitating international trade in energy commodities, developing energy resources, and applying suitable energy technologies. The program shall include both general and country-specific energy assessments and cooperative projects in resource exploration and production, training, research and development.

(c) Exchange of scientists, technicians, and energy experts

As an integral part of such program, the Department of Energy, under the general policy guidance of the Department of State and in cooperation with the Agency for International Development and other Federal agencies as appropriate, shall initiate, as soon as practicable, a program for the exchange of United States scientists, technicians, and energy experts with those of developing countries to implement the purposes of this section.

(d) Authorization of appropriations

For the purposes of carrying out this section, there is authorized to be appropriated such

sums as are contained in annual authorization Acts for the Department of Energy, including such sums which have been authorized for such purposes under previous legislation.

(e) Coordination with related United States activities abroad

Under the direction of the President, the Secretary of State shall ensure the coordination of the activities authorized by this subchapter with other related activities of the United States conducted abroad, including the programs authorized by sections 2151a(c), 2151d(a)(2), and 2151q of this title.

(Pub. L. 95-242, title V, § 502, Mar. 10, 1978, 92 Stat. 149.)

FEASIBILITY OF EXPANDING COOPERATIVE ACTIVITIES INTO INTERNATIONAL COOPERATIVE EFFORT; PRESIDENTIAL REPORT TO CONGRESS NOT LATER THAN MARCH 10, 1979

Section 503 of Pub. L. 95-242, which provided that not later than twelve months after Mar. 10, 1978, the President report to the Congress on the feasibility of expanding the cooperative activities established pursuant to subsec. (c) of this section into an international cooperative effort to include a scientific peace corps designed to encourage large numbers of technically trained volunteers to live and work in developing countries for varying periods of time for the purpose of engaging in projects to aid in meeting the energy needs of such countries through the search for and utilization of indigenous energy resources and the application of suitable technology, including the widespread utilization of renewable and unconventional energy technologies, and to also include in the report a discussion of other mechanisms to conduct a coordinated international effort to develop, demonstrate, and encourage the utilization of such technologies in developing countries, was omitted from the code as executed.

SUBCHAPTER IV—EXECUTIVE REPORTING

§ 3281. Annual Presidential report to Congress on governmental efforts to prevent proliferation

(a) The President shall review all activities of Government departments and agencies relating to preventing proliferation and shall make a report to Congress in January of 1979 and annually in January of each year thereafter on the Government's efforts to prevent proliferation. This report shall include but not be limited to—

(1) a description of the progress made toward—

(A) negotiating the initiatives contemplated in sections 3223 and 3224 of this title;

(B) negotiating the international arrangements or other mutual undertakings contemplated in section 2153b of title 42;

(C) encouraging non-nuclear-weapon states that are not party to the Treaty to adhere to the Treaty or, pending such adherence, to enter into comparable agreements with respect to safeguards and to foreswear the development of any nuclear explosive devices, and discouraging nuclear exports to non-nuclear-weapon states which have not taken such steps;

(D) strengthening the safeguards of the IAEA as contemplated in section 3241 of this title; and

(E) renegotiating agreements for cooperation as contemplated in section 2153c(a) of title 42;

(2) an assessment of the impact of the progress described in paragraph (1) on the non-proliferation policy of the United States; an explanation of the precise reasons why progress has not been made on any particular point and recommendations with respect to appropriate measures to encourage progress; and a statement of what legislative modifications, if any, are necessary in his judgment to achieve the non-proliferation policy of the United States;

(3) a determination as to which non-nuclear-weapon states with which the United States has an agreement for cooperation in effect or under negotiation, if any, have—

(A) detonated a nuclear device; or

(B) refused to accept the safeguards of the IAEA on all of their peaceful nuclear activities; or

(C) refused to give specific assurances that they will not manufacture or otherwise acquire any nuclear explosive device; or

(D) engaged in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices;

(4) an assessment of whether any of the policies set forth in this chapter have, on balance, been counterproductive from the standpoint of preventing proliferation; and

(5) a description of the progress made toward establishing procedures to facilitate the timely processing of requests for subsequent arrangements and export licenses in order to enhance the reliability of the United States in meeting its commitments to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation policies.

(b) In the first report required by this section, the President shall analyze each civil agreement for cooperation negotiated pursuant to section 2153 of title 42, and shall discuss the scope and adequacy of the requirements and obligations relating to safeguards and other controls therein.

(Pub. L. 95-242, title VI, § 601, Mar. 10, 1978, 92 Stat. 150.)

EFFECTIVE DATE

Subchapter effective Mar. 10, 1978, except as otherwise provided and regardless of any requirements for the promulgation of implementing regulations, see section 603(c) of Pub. L. 95-242, set out as an Effective Date note under section 3201 of this title.

DELEGATION OF FUNCTIONS

The Secretary of State to be responsible for performing the function vested in the President by this section to the extent that it relates to the preparation of an annual report, see section 2(c) of Ex. Ord. No. 12058, May 11, 1978, 43 F.R. 20947, set out as a note under section 3201 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3223, 3224 of this title.

§ 3282. Reports by departments and agencies

(a) Reports by Nuclear Regulatory Commission and Department of Energy

The annual reports to the Congress by the Commission and the Department of Energy which are otherwise required by law shall also include views and recommendations regarding the policies and actions of the United States to prevent proliferation which are the statutory responsibility of those agencies. The Department's report shall include a detailed analysis of the proliferation implications of advanced enrichment and reprocessing techniques, advanced reactors, and alternative nuclear fuel cycles. This part of the report shall include a comprehensive version which includes any relevant classified information and a summary unclassified version.

(b) Additional reporting requirements

The reporting requirements of this subchapter are in addition to and not in lieu of any other reporting requirements under applicable law.

(c) Committees on Foreign Relations and Governmental Affairs of Senate and Committee on Foreign Affairs of House of Representatives to be kept informed

The Department of State, the Arms Control and Disarmament Agency, the Department of Commerce, the Department of Energy, and the Commission shall keep the Committees on Foreign Relations and Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to their activities to carry out the purposes and policies of this chapter and to otherwise prevent proliferation, and with respect to the current activities of foreign nations which are of significance from the proliferation standpoint.

(d) Classified portions of reports

Any classified portions of the reports required by this chapter shall be submitted to the Senate Foreign Relations Committee and the House Foreign Affairs Committee.

(e) Comptroller General's study and report by March 10, 1981

Three years after March 10, 1978, the Comptroller General shall complete a study and report to the Congress on the implementation and impact of this chapter on the nuclear nonproliferation policies, purposes, and objectives of this chapter. The Secretaries of State, Energy, Defense, and Commerce and the Commission and the Director shall cooperate with the Comptroller General in the conduct of the study. The report shall contain such recommendations as the Comptroller General deems necessary to support the nuclear non-proliferation policies, purposes, and objectives of this chapter.

(Pub. L. 95–242, title VI, § 602, Mar. 10, 1978, 92 Stat. 151; H. Res. 89, Feb. 5, 1979.)

CHANGE OF NAME

The name of the Committee on International Relations of the House of Representatives was changed to Committee on Foreign Affairs, on Feb. 5, 1979, by House Resolution 89, 96th Congress.

CHAPTER 48—TAIWAN RELATIONS [NEW]

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§ 3301. Congressional findings and declaration of policy

(a) Findings

The President having terminated governmental relations between the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, the Congress finds that the enactment of this chapter is necessary—

(1) to help maintain peace, security, and stability in the Western Pacific; and

(2) to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan.

(b) Policy

It is the policy of the United States—

(1) to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area;

(2) to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern;

(3) to make clear that the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;

(4) to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States;

(5) to provide Taiwan with arms of a defensive character; and

(6) to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

(c) Human rights

Nothing contained in this chapter shall contravene the interest of the United States in human rights, especially with respect to the human rights of all the approximately eighteen million inhabitants of Taiwan. The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.

(Pub. L. 96–8, § 2, Apr. 10, 1979, 93 Stat. 14.)

Effective Date

Section 18 of Pub. L. 96–8 provided that: "This Act [this chapter] shall be effective as of January 1, 1979."

Short Title

Section 1 of Pub. L. 96–8 provided that: "This Act [this chapter] may be cited as the 'Taiwan Relations Act'."

Ex. Ord. No. 12143. Maintaining Unofficial Relations With the People on Taiwan

Ex. Ord. No. 12143, June 22, 1979, 44 F.R. 37191, provided:

In light of the recognition of the People's Republic of China by the United States of America as the sole legal government of China, and by the authority vested in me as President of the United States of America, by the Taiwan Relations Act (Public Law 96–8, 93 Stat. 14, 22 U.S.C. 3301 et seq., hereinafter referred to as "the Act"), and Section 301 of Title 3 of the United States Code, in order to facilitate the maintenance of commercial, cultural and other relations between the people of the United States and the people on Taiwan without official representation or diplomatic relations, it is hereby ordered as follows:

1-1. Delegation and Reservation of Functions

1-101. Exclusive of the functions otherwise delegated, or reserved to the President, by this Order, there are delegated to the Secretary of State all functions conferred upon the President by the Act [this chapter]. In carrying out these functions, the Secretary of State shall consult with other departments and agencies as appropriate.

1-102. There are delegated to the Director of the Office of Personnel Management the functions conferred upon the President by paragraphs (1) and (2) of Section 11(a) of the Act [22 U.S.C. 3310(a)]. These functions shall be exercised in consultation with the Secretary of State.

1-103. There are reserved to the President the functions conferred upon the President by Section 3 [22 U.S.C. 3302], Section 7(a)(3) [22 U.S.C. 3306(a)(3)], and the second sentence of Section 9(b) [22 U.S.C. 3308(b)], and the determination specified in Section 10(a) of the Act [22 U.S.C. 3309(a)].

1-2. Specification of Laws and Determinations

1-201. Pursuant to Section 7(a) of the Act [22 U.S.C. 3306(a)], I specify the following provisions of law:

(a) Section 4082 of the Revised Statutes (22 U.S.C. 1172);

(b) Section 1707 of the Revised Statutes (22 U.S.C. 1173);

(c) Section 1708 of the Revised Statutes (22 U.S.C. 1174);

(d) Section 1709 of the Revised Statutes, as amended (22 U.S.C. 1175);

(e) Section 1710 of the Revised Statutes, as amended (22 U.S.C. 1176);

(f) Section 1711 of the Revised Statutes, as amended (22 U.S.C. 1177);

(g) Section 1718 of the Revised Statutes (22 U.S.C. 1185); and

(h) Section 7 of the Act of April 5, 1906 (22 U.S.C. 1195).

1-202. Pursuant to Section 9(b) of the Act [22 U.S.C. 3308(b)], and in furtherance of the purposes of the Act [this chapter], the procurement of services may be effected without regard to the following provisions of law and limitations of authority:

(a) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(b) Section 9 of the Act of June 30, 1906 (31 U.S.C. 627), and Section 3679 and 3732 of the Revised Statutes (31 U.S.C. 665; 41 U.S.C. 11), to the extent necessary to permit the indemnification of contractors against unusually hazardous risks, as defined in Institute contracts, consistent, to the extent practicable, with regulations prescribed by the Department of Defense pursuant to the provisions of the Act of August 28, 1958 (50 U.S.C. 1431 et seq.), and Executive Order No. 10789 of November 14, 1958, as amended [set out as a note under 50 U.S.C. 1431];

(c) Section 3709 of the Revised Statutes and Section 302 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 5, 252);

(d) Section 3710 of the Revised Statutes (41 U.S.C. 8);

(e) Section 2 of Title III of the Act of March 3, 1933 (41 U.S.C. 10a);

(f) Section 3735 of the Revised Statutes (41 U.S.C. 13);

(g) Section 304(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(b)), so as to permit the payment of fees in excess of the prescribed fee limitations, but nothing herein shall be construed as authorizing the use of the cost-plus-a-percentage-of-cost system of contracting;

(h) Section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255);

(i) Sections 2 through 16 of the Contract Disputes Act of 1978 (41 U.S.C. 601-613);

(j) Sections 2304, 2305 and 2306(a) through (f) of Title 10 of the United States Code, but nothing herein shall be construed as authorizing the use of the cost-plus-a-percentage-of-cost system of contracting; and

(k) Section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168).

1-203. (a) With respect to cost-type contracts with the American Institute in Taiwan under which no fee is charged or paid, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

(b) With respect to contracts heretofore or hereafter made under the Act [this chapter], other than those described in subsection (a) of this Section, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof, if the Secretary of State determines in each case that such action is necessary to protect the foreign policy interests of the United States.

1-204. Pursuant to Section 10(a) of the Act [22 U.S.C. 3309(a)], the Coordination Council for North American Affairs is determined to be the unofficial instrumentality established by the people on Taiwan having the necessary authority under the laws applied by the people on Taiwan to provide assurances and take other actions on behalf of Taiwan in accordance with the Act [this chapter].

1-3. PRESIDENT'S MEMORANDUM OF DECEMBER 30, 1978

1-301. This Order supersedes my memorandum of December 30, 1978 for all departments and agencies entitled "Relations With the People on Taiwan" (44 FR 1075). Agreements and arrangements referred to in paragraph (B) of that memorandum shall continue in force and shall be performed in accordance with the Act [this chapter] and this Order.

JIMMY CARTER.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3302 of this title.

§ 3302. Implementation of United States policy with regard to Taiwan

(a) Defense articles and services

In furtherance of the policy set forth in section 3301 of this title, the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

(b) Determination of Taiwan's defense needs

The President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with procedures established by law. Such determination of Taiwan's defense needs shall include review by United States military authorities in connection with recommendations to the President and the Congress.

(c) United States response to threats to Taiwan or dangers to United States interests

The President is directed to inform the Congress promptly of any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom. The President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger.

(Pub. L. 96-8, § 3, Apr. 10, 1979, 93 Stat. 15.)

TRANSFER OF WAR RESERVE MATERIEL AND OTHER PROPERTY TO TAIWAN

Pub. L. 96-92, § 23, Oct. 29, 1979, 93 Stat. 710, provided that:

"(a) Notwithstanding any other provision of law, during the calendar year 1980 the President is authorized to transfer to Taiwan, under such terms and conditions as he may deem appropriate, such United States war reserve materiel that was located on Taiwan on January 1, 1979, as he may determine.

"(b) Notwithstanding any other provision of law, during the calendar years 1979 and 1980 the President is authorized to transfer to Taiwan, under such terms and conditions as he may deem appropriate, such rights of the United States in property (other than war reserve materiel) that was located on Taiwan on January 1, 1979, as he may determine."

§ 3303. Application to Taiwan of laws and international agreements

(a) Application of United States laws generally

The absence of diplomatic relations or recognition shall not affect the application of the laws of the United States with respect to

Taiwan, and the laws of the United States shall apply with respect to Taiwan in the manner that the laws of the United States applied with respect to Taiwan prior to January 1, 1979.

(b) Application of United States laws in specific and enumerated areas

The application of subsection (a) of this section shall include, but shall not be limited to, the following:

(1) Whenever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan.

(2) Whenever authorized by or pursuant to the laws of the United States to conduct or carry out programs, transactions, or other relations with respect to foreign countries, nations, states, governments, or similar entities, the President or any agency of the United States Government is authorized to conduct and carry out, in accordance with section 3305 of this title, such programs, transactions, and other relations with respect to Taiwan (including, but not limited to, the performance of services for the United States through contracts with commercial entities on Taiwan), in accordance with the applicable laws of the United States.

(3)(A) The absence of diplomatic relations and recognition with respect to Taiwan shall not abrogate, infringe, modify, deny, or otherwise affect in any way any rights or obligations (including but not limited to those involving contracts, debts, or property interests of any kind) under the laws of the United States heretofore or hereafter acquired by or with respect to Taiwan.

(B) For all purposes under the laws of the United States, including actions in any court in the United States, recognition of the People's Republic of China shall not affect in any way the ownership of or other rights or interests in properties, tangible and intangible, and other things of value, owned or held on or prior to December 31, 1978, or thereafter acquired or earned by the governing authorities on Taiwan.

(4) Whenever the application of the laws of the United States depends upon the law that is or was applicable on Taiwan or compliance therewith, the law applied by the people on Taiwan shall be considered the applicable law for that purpose.

(5) Nothing in this chapter, nor the facts of the President's action in extending diplomatic recognition to the People's Republic of China, the absence of diplomatic relations between the people on Taiwan and the United States, or the lack of recognition by the United States, and attendant circumstances thereto, shall be construed in any administrative or judicial proceeding as a basis for any United States Government agency, commission, or department to make a finding of fact or determination of law, under the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.] and the Nuclear Non-Proliferation Act of 1978 [22 U.S.C. 3201 et seq.], to deny an export license application or to revoke an existing export license for nuclear exports to Taiwan.

(6) For purposes of the Immigration and Nationality Act [8 U.S.C. 1101 et seq.], Taiwan may be treated in the manner specified in the first sentence of section 202(b) of that Act [8 U.S.C. 1152(b)].

(7) The capacity of Taiwan to sue and be sued in courts in the United States, in accordance with the laws of the United States, shall not be abrogated, infringed, modified, denied, or otherwise affected in any way by the absence of diplomatic relations or recognition.

(8) No requirement, whether expressed or implied, under the laws of the United States with respect to maintenance of diplomatic relations or recognition shall be applicable with respect to Taiwan.

(c) Treaties and other international agreements

For all purposes, including actions in any court in the United States, the Congress approves the continuation in force of all treaties and other international agreements, including multilateral conventions, entered into by the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and in force between them on December 31, 1978, unless and until terminated in accordance with law.

(d) Membership in international financial institutions and other international organizations

Nothing in this chapter may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.

(Pub. L. 96-8, § 4, Apr. 10, 1979, 93 Stat. 15.)

REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in subsec. (b)(5), is act Aug. 30, 1954, ch. 1073, 68 Stat. 921, as amended, which is classified generally to chapter 23 (§ 2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

The Nuclear Non-Proliferation Act of 1978, referred to in subsec. (b)(5), is Pub. L. 95-242, Mar. 10, 1978, 92 Stat. 120, which is classified principally to chapter 47 (§ 3201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3201 of this title and Tables.

The Immigration and Nationality Act, referred to in subsec. (b)(6), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (§ 1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

§ 3304. Overseas Private Investment Corporation

(a) Removal of per capita income restriction on Corporation activities with respect to investment projects on Taiwan

During the three-year period beginning on April 10, 1979, the $1,000 per capita income restriction in clause (2) of the second undesignated paragraph of section 2191 of this title shall not restrict the activities of the Overseas Private Investment Corporation in determining

whether to provide any insurance, reinsurance, loans, or guaranties with respect to investment projects on Taiwan.

(b) Application by Corporation of other criteria

Except as provided in subsection (a) of this section, in issuing insurance, reinsurance, loans, or guaranties with respect to investment projects on Taiwan, the Overseas Private Insurance Corporation shall apply the same criteria as those applicable in other parts of the world.

(Pub. L. 96–8, § 5, Apr. 10, 1979, 93 Stat. 16.)

§ 3305. The American Institute in Taiwan

(a) Conduct of programs, transactions, or other relations with respect to Taiwan

Programs, transactions, and other relations conducted or carried out by the President or any agency of the United States Government with respect to Taiwan shall, in the manner and to the extent directed by the President, be conducted and carried out by or through—

(1) The American Institute in Taiwan, a nonprofit corporation incorporated under the laws of the District of Columbia, or

(2) such comparable successor nongovernmental entity as the President may designate,

(hereafter in this chapter referred to as the "Institute").

(b) Agreements or transactions relative to Taiwan entered into, performed, and enforced

Whenever the President or any agency of the United States Government is authorized or required by or pursuant to the laws of the United States to enter into, perform, enforce, or have in force an agreement or transaction relative to Taiwan, such agreement or transaction shall be entered into, performed, and enforced, in the manner and to the extent directed by the President, by or through the Institute.

(c) Preemption of laws, rules, regulations, or ordinances of District of Columbia, States, or political subdivisions of States

To the extent that any law, rule, regulation, or ordinance of the District of Columbia, or of any State or political subdivision thereof in which the Institute is incorporated or doing business, impedes or otherwise interferes with the performance of the functions of the Institute pursuant to this chapter, such law, rule, regulation, or ordinance shall be deemed to be preempted by this chapter.

(Pub. L. 96–8, § 6, Apr. 10, 1979, 93 Stat. 17.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3302 of this title.

§ 3306. Services to United States citizens on Taiwan

(a) Authorized services

The Institute may authorize any of its employees on Taiwan—

(1) to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to perform within the United States;

(2) To[1] act as provisional conservator of the personal estates of deceased United States citizens; and

(3) to assist and protect the interests of United States persons by performing other acts such as are authorized to be performed outside the United States for consular purposes by such laws of the United States as the President may specify.

(b) Acts by authorized employees

Acts performed by authorized employees of the Institute under this section shall be valid, and of like force and effect within the United States, as if performed by any other person authorized under the laws of the United States to perform such acts.

(Pub. L. 96–8, § 7, Apr. 10, 1979, 93 Stat. 17.)

§ 3307. Exemption from taxation

(a) United States, State, or local taxes

The Institute, its property, and its income are exempt from all taxation now or hereafter imposed by the United States (except to the extent that section 3310(a)(3) of this title requires the imposition of taxes imposed under chapter 21 of title 26, relating to the Federal Insurance Contributions Act) or by any State or local taxing authority of the United States.

(b) Charitable contributions; transfers for public, charitable, and religious uses; charitable and similar gifts

For purposes of title 26, the Institute shall be treated as an organization described in sections 170(b)(1)(A), 170(c), 2055(a), 2106(a)(2)(A), 2522(a), and 2522(b) of title 26.

(Pub. L. 96–8, § 8, Apr. 10, 1979, 93 Stat. 17.)

REFERENCES IN TEXT

The Federal Insurance Contributions Act, referred to in subsec. (a), is act Aug. 16, 1954, ch. 736, §§ 3101, 3102, 3111, 3112, 3121 to 3126, 68A Stat. 415, as amended, which is classified generally to chapter 21 (§ 3101 et seq.) of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see section 3126 of Title 26 and Tables.

§ 3308. Activities of United States Government agencies

(a) Sale, loans, or lease of property; administrative and technical support functions and services

Any agency of the United States Government is authorized to sell, loan, or lease property (including interests therein) to, and to perform administrative and technical support functions and services for the operations of, the Institute upon such terms and conditions as the President may direct. Reimbursements to agencies under this subsection shall be credited to the current applicable appropriation of the agency concerned.

(b) Acquisition and acceptance of services

Any agency of the United States Government is authorized to acquire and accept services from the Institute upon such terms and conditions as the President may direct. Whenever

[1] So in original. Probably should be "to".

the President determines it to be in furtherance of the purposes of this chapter, the procurement of services by such agencies from the Institute may be effected without regard to such laws of the United States normally applicable to the acquisition of services by such agencies as the President may specify by Executive order.

(c) Institute books and records; access; audit

Any agency of the United States Government making funds available to the Institute in accordance with this chapter shall make arrangements with the Institute for the Comptroller General of the United States to have access to the books and records of the Institute and the opportunity to audit the operations of the Institute.

(Pub. L. 96–8, § 9, Apr. 10, 1979, 93 Stat. 18.)

§ 3309. Taiwan instrumentality

(a) Establishment of instrumentality; Presidential determination of necessary authority

Whenever the President or any agency of the United States Government is authorized or required by or pursuant to the laws of the United States to render or provide to or to receive or accept from Taiwan, any performance, communication, assurance, undertaking, or other action, such action shall, in the manner and to the extent directed by the President, be rendered or provided to, or received or accepted from, an instrumentality established by Taiwan which the President determines has the necessary authority under the laws applied by the people on Taiwan to provide assurances and take other actions on behalf of Taiwan in accordance with this chapter.

(b) Offices and personnel

The President is requested to extend to the instrumentality established by Taiwan the same number of offices and complement of personnel as were previously operated in the United States by the governing authorities on Taiwan recognized as the Republic of China prior to January 1, 1979.

(c) Privileges and immunities

Upon the granting by Taiwan of comparable privileges and immunities with respect to the Institute and its appropriate personnel, the President is authorized to extend with respect to the Taiwan instrumentality and its appropriate personnel, such privileges and immunities (subject to appropriate conditions and obligations) as may be necessary for the effective performance of their functions.

(Pub. L. 96–8, § 10, Apr. 10, 1979, 93 Stat. 18.)

§ 3310. Employment of United States Government agency personnel

(a) Separation from Government service; reemployment or reinstatement upon termination of Institute employment; benefits

(1) Under such terms and conditions as the President may direct, any agency of the United States Government may separate from Government service for a specified period any officer or employee of that agency who accepts employment with the Institute.

(2) An officer or employee separated by an agency under paragraph (1) of this subsection for employment with the Institute shall be entitled upon termination of such employment to reemployment or reinstatement with such agency (or a successor agency) in an appropriate position with the attendant rights, privileges, and benefits with[1] the officer or employee would have had or acquired had he or she not been so separated, subject to such time period and other conditions as the President may prescribe.

(3) An officer or employee entitled to reemployment or reinstatement rights under paragraph (2) of this subsection shall, while continuously employed by the Institute with no break in continuity of service, continue to participate in any benefit program in which such officer or employee was participating prior to employment by the Institute, including programs for compensation for job-related death, injury, or illness; programs for health and life insurance; programs for annual, sick, and other statutory leave; and programs for retirement under any system established by the laws of the United States; except that employment with the Institute shall be the basis for participation in such programs only to the extent that employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, are currently deposited in the program's or system's fund or depository. Death or retirement of any such officer or employee during approved service with the Institute and prior to reemployment or reinstatement shall be considered a death in or retirement from Government service for purposes of any employee or survivor benefits acquired by reason of service with an agency of the United States Government.

(4) Any officer or employee of an agency of the United States Government who entered into service with the Institute on approved leave of absence without pay prior to April 10, 1979, shall receive the benefits of this section for the period of such service.

(b) Employment of aliens on Taiwan

Any agency of the United States Government employing alien personnel on Taiwan may transfer such personnel, with accrued allowances, benefits, and rights, to the Institute without a break in service for purposes of retirement and other benefits, including continued participation in any system established by the laws of the United States for the retirement of employees in which the alien was participating prior to the transfer to the Institute, except that employment with the Institute shall be creditable for retirement purposes only to the extent that employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, are currently deposited in the system's fund or depository.

(c) Institute employees not deemed United States employees

Employees of the Institute shall not be employees of the United States and, in represent-

[1] So in original. Probably should be "which".

ing the Institute, shall be exempt from section 207 of title 18.

(d) Tax treatment of amounts paid Institute employees

(1) For purposes of sections 911 and 913 of title 26, amounts paid by the Institute to its employees shall not be treated as earned income. Amounts received by employees of the Institute shall not be included in gross income, and shall be exempt from taxation, to the extent that they are equivalent to amounts received by civilian officers and employees of the Government of the United States as allowances and benefits which are exempt from taxation under section 912 of title 26.

(2) Except to the extent required by subsection (a)(3) of this section, service performed in the employ of the Institute shall not constitute employment for purposes of chapter 21 of title 26 and title II of the Social Security Act [42 U.S.C. 401 et seq.].

(Pub. L. 96–8, § 11, Apr. 10, 1979, 93 Stat. 18.)

REFERENCES IN TEXT

Chapter 21 (§ 3101 et seq.) of title 26, referred to in subsec. (d)(2), is known as the Federal Insurance Contributions Act.

The Social Security Act, referred to in subsec. (d)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3307 of this title.

§ 3311. Reporting requirements

(a) Texts of agreements to be transmitted to Congress; secret agreements to be transmitted to Senate Foreign Relations Committee and House Foreign Affairs Committee

The Secretary of State shall transmit to the Congress the text of any agreement to which the Institute is a party. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President.

(b) Agreements

For purposes of subsection (a) of this section, the term "agreement" includes—

(1) any agreement entered into between the Institute and the governing authorities on Taiwan or the instrumentality established by Taiwan; and

(2) any agreement entered into between the Institute and an agency of the United States Government.

(c) Congressional notification, review, and approval requirements and procedures

Agreements and transactions made or to be made by or through the Institute shall be subject to the same congressional notification, review, and approval requirements and procedures as if such agreements and transactions were made by or through the agency of the United States Government on behalf of which the Institute is acting.

(d) Semi-annual reports by Secretary of State covering economic relations between United States and Taiwan

During the two-year period beginning on January 1, 1979, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, every six months, a report describing and reviewing economic relations between the United States and Taiwan, noting any interference with normal commercial relations.

(Pub. L. 96–8, § 12, Apr. 10, 1979, 93 Stat. 20.)

§ 3312. Rules and regulations

The President is authorized to prescribe such rules and regulations as he may deem appropriate to carry out the purposes of this chapter. During the three-year period beginning on January 1, 1979, such rules and regulations shall be transmitted promptly to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate. Such action shall not, however, relieve the Institute of the responsibilities placed upon it by this chapter.

(Pub. L. 96–8, § 13, Apr. 10, 1979, 93 Stat. 20.)

§ 3313. Congressional oversight

(a) Monitoring activities of Senate Foreign Relations Committee, House Foreign Affairs Committee, and other Congressional committees

The Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and other appropriate committees of the Congress shall monitor—

(1) the implementation of the provisions of this chapter;

(2) the operation and procedures of the Institute;

(3) the legal and technical aspects of the continuing relationship between the United States and Taiwan; and

(4) the implementation of the policies of the United States concerning security and cooperation in East Asia.

(b) Committee reports to their respective Houses

Such committees shall report, as appropriate, to their respective Houses on the results of their monitoring.

(Pub. L. 96–8, § 14, Apr. 10, 1979, 93 Stat. 20.)

§ 3314. Definitions

For purposes of this chapter—

(1) the term "laws of the United States" includes any statute, rule, regulation, ordi-

nance, order, or judicial rule of decision of the United States or any political subdivision thereof; and

(2) the term "Taiwan" includes, as the context may require, the islands of Taiwan and the Pescadores, the people on those islands, corporations and other entities and associations created or organized under the laws applied on those islands, and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and any successor governing authorities (including political subdivisions, agencies, and instrumentalities thereof).

(Pub. L. 96–8, § 15, Apr. 10, 1979, 93 Stat. 20.)

§ 3315. Authorization of appropriations

In addition to funds otherwise available to carry out the provisions of this chapter, there are authorized to be appropriated to the Secretary of State for the fiscal year 1980 such funds as may be necessary to carry out such provisions. Such funds are authorized to remain available until expended.

(Pub. L. 96–8, § 16, Apr. 10, 1979, 93 Stat. 21.)

§ 3316. Severability of provisions

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to any other person or circumstance shall not be affected thereby.

(Pub. L. 96–8, § 17, Apr. 10, 1979, 93 Stat. 21.)

CHAPTER 49—SUPPORT OF PEACE TREATY BETWEEN EGYPT AND ISRAEL [NEW]

Sec.
3401. Congressional findings and declaration of policy.
(a) Policy of support for peace treaty.
(b) Findings.
(c) Other agreements, understandings, or commitments.
3402. Supplemental authorization of foreign military sales loan guaranties for Egypt and Israel.
(a) Congressional findings; use of Arms Export Control Act procedures.
(b) Authorization of appropriation.
(c) Principal amounts of guaranteed loans.
(d) Repayment schedule.
(e) Modification of terms of guaranteed loans.
3403. Supplemental authorization of economic support for Egypt.
3404. Transfer of facilities of United States Sinai Field Mission to Egypt.
3405. Contributions by other countries to support peace in the Middle East.
(a) Presidential consultations with other countries.
(b) Report to Congress not later than January 31, 1980.
3406. Trilateral scientific and technological cooperation by Egypt, Israel, and United States.
(a) Preparation for United States participation.
(b) Plan development.
(c) Transmittal of Presidential plan to Congress.
3407. Report on costs.
3408. Non-proliferation of nuclear weapons.

§ 3401. Congressional findings and declaration of policy

(a) Policy of support for peace treaty

It is the policy of the United States to support the peace treaty concluded between the Government of Egypt and the Government of Israel on March 26, 1979. This treaty is a significant step toward a full and comprehensive peace in the Middle East. The Congress urges the President to continue to exert every effort to bring about a comprehensive peace and to seek an end by all parties to the violence which could jeopardize this peace.

(b) Findings

The peace treaty between Egypt and Israel having been ratified, the Congress finds that the national interests of the United States are served—

(1) by authorizing the President to construct air bases in Israel to replace the Israeli air bases on the Sinai peninsula that are to be evacuated;

(2) by authorizing additional funds to finance procurements by Egypt and Israel through the fiscal year 1982 of defense articles and defense services for their respective security requirements; and

(3) by authorizing additional funds for economic assistance for Egypt in order to promote the economic stability and development of that country and to support the peace process in the Middle East.

(c) Other agreements, understandings, or commitments

The authorities contained in this chapter to implement certain arrangements in support of the peace treaty between Egypt and Israel do not signify approval by the Congress of any other agreement, understanding, or commitment made by the executive branch.

(Pub. L. 96–35, § 2, July 20, 1979, 93 Stat. 89.)

References in Text

This chapter, referred to in subsec. (c), in the original read "this Act" meaning Pub. L. 96–35, July 20, 1979, 93 Stat. 89, known as the Special International Security Assistance Act of 1979, which enacted this chapter and sections 2349, 2349a, and 2349b of this title. For complete classification of this Act to the Code, see Short Title note below and Tables.

Short Title

Section 1 of Pub. L. 96–35 provided that: "This Act [enacting this chapter and sections 2349, 2349a, and 2349b of this title] may be cited as the 'Special International Security Assistance Act of 1979'."

Egyptian-Israeli Cultural, Scientific, and Economic Relations

Pub. L. 96–60, title IV, § 403, Aug. 15, 1979, 93 Stat. 403, provided that: "It is the sense of the Congress that it should be the policy of the United States to promote and encourage cultural, scientific, and economic relations between the Arab Republic of Egypt and the State of Israel."

§ 3402. Supplemental authorization of foreign military sales loan guaranties for Egypt and Israel

(a) Congressional findings; use of Arms Export Control Act procedures

The Congress finds that the legitimate defense interests of Israel and Egypt require a one time extraordinary assistance package due to Israel's phased withdrawal from the Sinai and Egypt's shift from reliance on Soviet weaponry. The authorizations contained in this section do not, however, constitute Congressional approval of the sale of any particular weapons system to either country. These sales will be reviewed under the normal procedures set forth in section 36(b) of the Arms Export Control Act [22 U.S.C. 2776(b)].

(b) Authorization of appropriation

In addition to amounts authorized to be appropriated for the fiscal year 1979 by section 31(a) of the Arms Export Control Act [22 U.S.C. 2771(a)], there is authorized to be appropriated to the President to carry out that Act [22 U.S.C. 2751 et seq.] $370,000,000 for the fiscal year 1979.

(c) Principal amounts of guaranteed loans

Funds made available pursuant to subsection (b) of this section may be used only for guaranties for Egypt and Israel pursuant to section 24(a) of the Arms Export Control Act [22 U.S.C. 2764(a)]. The principal amount of loans guaranteed with such funds may not exceed $3,700,000,000 of which $2,200,000,000 shall be available only for Israel and $1,500,000,000 shall be available only for Egypt. The principal amount of such guaranteed loans shall be in addition to the aggregate ceiling authorized for the fiscal year 1979 by section 31(b) of the Arms Export Control Act [22 U.S.C. 2771(b)].

(d) Repayment schedule

Loans guaranteed with funds made available pursuant to subsection (b) of this section shall be on terms calling for repayment within a period of not less than thirty years, including an initial grace period of ten years on repayment of principal.

(e) Modification of terms of guaranteed loans

(1) The Congress finds that the Governments of Israel and Egypt each have an enormous external debt burden which may be made more difficult by virtue of the financing authorized by this section. The Congress further finds that, as a consequence of the impact of the debt burdens incurred by Israel and Egypt under such financing, it may become necessary in future years to modify the terms of the loans guaranteed with funds made available pursuant to this section.

(2) In order to assist the Congress in determining whether any such modification is warranted, the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate, by January 15 of each year, an annual report regarding economic conditions prevailing in Israel and Egypt which may affect their respective ability to meet their obligations to make payments under the financing authorized by this section. In addition to such annual report, the President shall transmit a report containing such information within thirty days after receiving a request therefor from the chairman of the Committee on Foreign Relations of the Senate or from the chairman of the Committee on Foreign Affairs of the House of Representatives.

(Pub. L. 96-35, § 4, July 20, 1979, 93 Stat. 90.)

REFERENCES IN TEXT

That Act, referred to in subsec. (b), means the Arms Export Control Act, Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

§ 3403. Supplemental authorization of economic support for Egypt

There is authorized to be appropriated to the President to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2346 et seq.], $300,000,000 for the fiscal year 1979 for Egypt, in addition to amounts otherwise authorized to be appropriated for such chapter for the fiscal year 1979. The amounts appropriated pursuant to this section may be made available until expended.

(Pub. L. 96-35, § 5, July 20, 1979, 93 Stat. 91.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in text, is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 4 of part II of the Foreign Assistance Act of 1961 is classified to part IV (§ 2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

§ 3404. Transfer of facilities of United States Sinai Field Mission to Egypt

The President is authorized to transfer to Egypt, on such terms and conditions as he may determine, such of the facilities and related property of the United States Sinai Field Mission as he may determine, upon the termination of the activities of the Sinai Field Mission in accordance with the terms of the peace treaty between Egypt and Israel.

(Pub. L. 96-35, § 6, July 20, 1979, 93 Stat. 91.)

§ 3405. Contributions by other countries to support peace in the Middle East

(a) Presidential consultations with other countries

It is the sense of the Congress that other countries should give favorable consideration to providing support for the implementation of the peace treaty between Egypt and Israel. Therefore, the Congress requests that the President consult with other countries in order to (1) promote and develop an agreement for the establishment of a peace development fund whose purpose would be to underwrite the costs of implementing a Middle East peace, and (2) encourage investments in Israel and Egypt and other countries in the region should they join in Middle East peace agreements.

(b) Report to Congress not later than January 31, 1980

Not later than January 31, 1980, the President shall report to the Congress with regard to (1) the efforts made by the United States to consult with other countries in order to increase the economic assistance provided by other donors to Egypt and Israel and to others in the region participating in the peace process, and (2) the impact on Egypt's economy of Arab sanctions against Egypt.

(Pub. L. 96-35, § 7, July 20, 1979, 93 Stat. 92.)

§ 3406. Trilateral scientific and technological cooperation by Egypt, Israel, and United States

(a) Preparation for United States participation

It is the sense of the Congress that, in order to continue to build the structure of peace in the Middle East, the United States should be prepared to participate, at an appropriate time, in trilateral cooperative projects of a scientific and technological nature involving Egypt, Israel, and the United States.

(b) Plan development

Therefore, the President shall develop a plan to guide the participation of both United States Government agencies and private institutions in such projects. This plan shall identify—

(1) potential projects in a variety of areas appropriate for scientific and technological cooperation by the three countries, including agriculture, health, energy, the environment, education, and water resources;

(2) the resources which are available or which would be needed to implement such projects; and

(3) the means by which such projects would be implemented.

(c) Transmittal of Presidential plan to Congress

The President shall transmit the plan developed pursuant to subsection (b) of this section to the Congress within twelve months after July 20, 1979.

(Pub. L. 96-35, § 8, July 20, 1979, 93 Stat. 92.)

§ 3407. Report on costs

Not later than ninety days after July 20, 1979, the President shall submit to the Congress a detailed and comprehensive report on the costs to the United States Government associated with implementation of the peace treaty between Egypt and Israel. The report shall include estimates of all costs of any kind to any department or agency of the United States Government which may result from United States activities in support of the peace treaty.

(Pub. L. 96-35, § 9, July 20, 1979, 93 Stat. 92.)

§ 3408. Non-proliferation of nuclear weapons

In accordance with the Nuclear Non-Proliferation Act of 1978 [22 U.S.C. 3201 et seq.], the Congress strongly encourages all countries in the Middle East which are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons to become parties to that Treaty.

(Pub. L. 96-35, § 10, July 20, 1979, 93 Stat. 93.)

REFERENCES IN TEXT

The Nuclear Non-Proliferation Act of 1978, referred to in text, is Pub. L. 95-242, Mar. 10, 1978, 92 Stat. 120, which is classified principally to chapter 47 (§ 3201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3201 of this title and Tables.

CHAPTER 50—INSTITUTE FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION [NEW]

Sec.
3501. Congressional statement of policy.
3502. Purposes and establishment; policy guidelines and objectives.
3503. Functions.
(a) Assistance, support, etc., activities in United States and developing countries.
(b) Review of programs, projects, and other activities; objectives of review.
(c) Presidential utilization of additional statutory authorities.
(d) Consultation and cooperation with United States and foreign government agencies, and international organizations.
(e) Presidential promulgation of coordination procedures concerning other governmental activities.
3504. General authorities; fiscal requirement for authorities.
3505. Director; appointment, compensation, functions, etc.
3506. Deputy Director.
(a) Appointment; compensation.
(b) Duties and powers.
(c) Additional positions; establishment by President; compensation.
3507. Council on International Scientific and Technological Cooperation.
(a) Establishment.
(b) Functions.
(c) Advice to Director concerning selection, termination, or change in activities, and transfer of government programs and projects to Institute; review and recommendations respecting new programs and initiatives.
(d) Composition; Chairman; appointment, terms, etc., of members.
(e) Compensation, reimbursement, status, etc., of nongovernmental members.
(f) Executive and additional committees; membership, powers, etc., of Executive Committee.
3508. Fellowships.
(a) Authorization; number; duration; renewal; criteria; foreign recipients; designation of recipients as Institute Fellows.
(b) Activities of Institute Fellows.
(c) Amount of awards; transportation, housing, etc., benefits.
(d) Status of Institute Fellows.
(e) Admission into United States of alien participants in program.
3509. Conflict of interest; personnel and activities covered.
3510. Authorization of appropriations.
3511. Annual report.
3512. Establishment within International Development Cooperation Agency.
3513. Expiration of statutory authorities.

§ 3501. Congressional statement of policy

As declared by Congress in the Foreign Assistant[1] Act of 1961 [22 U.S.C. 2151 et seq.], a principal objective of the foreign policy of the United States is the encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives. The Congress reaffirms the profound humanitarian and foreign policy concerns of the United States in the economic and social progress of the developing countries and in the alleviation of the worst physical manifestations of poverty in these countries.

In furtherance of that objective, the Congress recognizes that developing countries require extensive scientific and technological capacity in order to deal effectively with their development problems, relate to the industrialized nations, and constructively participate in the shaping of a stable world order.

It is therefore in the mutual interest of the United States and the developing countries to increase scientific and technological cooperation and jointly to support long-term research on critical problems that impede development and limit the efficient use of the world's human, natural, and capital resources.

(Pub. L. 96–53, title IV, § 401, Aug. 14, 1979, 93 Stat. 371.)

References in Text

The Foreign Assistance Act of 1961, referred to in text, is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Effective Date

Chapter effective Oct. 1, 1979, see section 512(a) of Pub. L. 96–53, set out as an Effective Date of 1979 Amendment note under section 2151 of this title.

§ 3502. Purposes and establishment; policy guidelines and objectives

(a) To strengthen the capacity of the people of developing countries to solve their development problems through scientific and technological innovation, to foster research on problems of development, and to facilitate scientific and technological cooperation with developing countries, the President is authorized to establish an Institute for Scientific and Technological Cooperation (hereafter in this chapter referred to as the "Institute"), which shall be subject to the foreign policy guidance of the Secretary of State.

(b) The Institute shall be guided by the policies set forth in sections 2151 and 2151–1 of this title and shall direct a substantial share of its resources to those objectives.

(Pub. L. 96–53, title IV, § 402, Aug. 14, 1979, 93 Stat. 372.)

[1] So in original. Probably should be "Assistance".

§ 3503. Functions

(a) Assistance, support, etc., activities in United States and developing countries

In carrying out its purposes, the Institute shall—

(1) assist developing countries to strengthen their own scientific and technological capacity in order for them to undertake the research and experimentation necessary for development;

(2) support research, in the United States and in developing countries, on critical development problems, with emphasis on research relating to technologies which are labor-intensive or which do not generate additional unemployment or underemployment and with emphasis on those problems which are the greatest impediment to improvement in the lives of the majority of the poor;

(3) foster the exchange of scientists and other technological experts with developing countries, and other forms of exchange and communication to promote the joint solution of problems of mutual concern to the United States and developing countries;

(4) advise and assist other agencies of the United States Government in planning and executing policies and programs of scientific and technological cooperation with developing countries;

(5) facilitate the participation of private United States institutions, businesses, and individuals in scientific and technological cooperation with developing countries; and

(6) gather, analyze, and disseminate information relevant to the scientific and technological needs of developing countries.

(b) Review of programs, projects, and other activities; objectives of review

In carrying out the functions specified in subsection (a) of this section, the Institute shall take particular care to review all of its programs, projects, and other activities to ensure that technologies which are developed, utilized, or promoted are assessed with regard to minimizing any new problems and that participants in such programs, projects, and activities are fully aware of the need for such review with respect to any technology-related activities for which the[1] are responsible.

(c) Presidential utilization of additional statutory authorities

For purposes of carrying out the functions of the Institute, the President may utilize, in addition to authorities conferred by this chapter, such authority contained in the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], the Foreign Service Act of 1946 [22 U.S.C. 801 et seq.], title V of the Foreign Relations Authorization Act, Fiscal Year 1979 [22 U.S.C. 2656a to 2656d], and title IV of the International Development and Food Assistance Act of 1978 [22 U.S.C. 2385a], as the President deems necessary.

[1] So in original. Probably should be "they".

(d) Consultation and cooperation with United States and foreign government agencies, and international organizations

The Institute shall carry out its functions in consultation and cooperation with the agencies of the United States Government, international organizations, and agencies of other governments engaged in promoting economic, social, and technological development in developing countries.

(e) Presidential promulgation of coordination procedures concerning other governmental activities

The President shall prescribe appropriate procedures to assure coordination of the activities of the Institute with other activities of the United States Government in furthering the use of science and technology in the cause of development.

(Pub. L. 96–53, title IV, § 403, Aug. 14, 1979, 93 Stat. 372.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (c), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Foreign Service Act of 1946, referred to in subsec. (c), is act Aug. 13, 1946, ch. 957, titles I to X, 60 Stat. 999, as amended, which is classified to chapter 14 (§ 801 et seq.) of this title. For complete classification of this Act to the Code see Short Title note set out under section 801 of this title and Tables.

The Foreign Relations Authorization Act, Fiscal Year 1979, referred to in subsec. (c), is Pub. L. 95–426, Oct. 7, 1978, 92 Stat. 963. Title V of the Foreign Relations Authorization Act, Fiscal Year 1979, is classified generally to sections 2656a to 2656d of this title. For complete classification of this Act to the Code, see Tables.

The International Development and Food Assistance Act of 1978, referred to in subsec. (c), is Pub. L. 95–424, Oct. 6, 1978, 92 Stat. 937, as amended. Title IV of the International Development and Food Assistance Act of 1978 is classified to section 2385a of this title. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 2151 of this title and Tables.

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency, with the functions under subsec. (e) of this section to be exercised in consultation with the Secretary of State, by section 1-102(a)(5), and (b), of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 3504. General authorities; fiscal requirement for authorities

(a) To carry out the purposes and functions of the Institute, the President may—

(1) make and perform contracts and other agreements with any individual, institution, corporation, or other body of persons however designated, within or outside the United States, and with governments or government agencies, domestic or foreign;

(2) make advances, grants, and loans to any individual, institution, corporation, or other body of persons however designated, within or outside the United States, and to governments or government agencies, domestic or foreign;

(3) employ such personnel as necessary and fix their compensation;

(4) make provision for compensation, transportation, housing, subsistence (or per diem in lieu thereof), and health care or health and accident insurance for foreign nationals engaged in activities authorized by this chapter while they are away from their homes, without regard to the provisions of any other law;

(5) accept and use money, funds, property, and services of any kind by gift, devise, bequest, grant, or otherwise in furtherance of the purposes of the Institute;

(6) acquire by purchase, lease, loan, bequest, or gift and hold and dispose of by sale, lease, loan, or grant, real and personal property of all kinds;

(7) prescribe, amend, and repeal such rules and regulations as may be necessary to the conduct of the business of the Institute;

(8) utilize information, services, facilities, officers, and employees of any agency of the United States Government;

(9) establish a principal office in the United States and such other offices within or outside the United States, as may be necessary;

(10) make such expenditures as may be necessary for administering the provisions of this chapter;

(11) adopt, alter, and use an official seal for the Institute, which shall be judicially noticed; and

(12) take such other actions as may be necessary and incident to carrying out the functions of the Institute.

(b) Any authority provided by this section involving the expenditure of appropriated funds shall be effective for a fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(Pub. L. 96–53, title IV, § 404, Aug. 14, 1979, 93 Stat. 373.)

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency by section 1-102(a)(5) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

INTERNATIONAL AGREEMENTS

The negotiation, conclusion, and termination of international agreements pursuant to this chapter, shall be subject to requirements of section 112b of Title 1, General Provisions, and to applicable regulations and procedures, see section 1-604 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 3505. Director; appointment, compensation, functions, etc.

(a) There shall be a Director of the Institute (hereafter in this chapter referred to as the "Director") who shall be the chief executive officer of the Institute. The Director shall be appointed by the President, by and with the

advice and consent of the Senate, and shall receive compensation at the rate payable for level III of the Executive Schedule under section 5314 of title 5.

(b) The President may exercise any authorities conferred upon him by this chapter through the Director or any other agency or officer of the United States Government as he shall direct. The Director or head of any such agency or any such officer may delegate to any of his subordinates authority to perform any of such functions.

(Pub. L. 96–53, title IV, § 405, Aug. 14, 1979, 93 Stat. 373.)

DELEGATION OF FUNCTIONS

Functions of the President under this section, except those under subsec. (a) of this section, were delegated to the Director of the United States International Development Cooperation Agency by sections 1-102(a)(5) and 1-701(b) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 3506. Deputy Director

(a) Appointment; compensation

A Deputy Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall receive compensation at the rate payable for level IV of the Executive Schedule under section 5315 of title 5.

(b) Duties and powers

The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe.

(c) Additional positions; establishment by President; compensation

The President may establish up to two additional positions in the Institute to be compensated at the rate payable for level V of the Executive Schedule under section 5316 of title 5.

(Pub. L. 96–53, title IV, § 406, Aug. 14, 1979, 93 Stat. 374.)

ADDITIONAL INSTITUTE POSITIONS; ESTABLISHMENT

The two additional positions in the Institute authorized by subsec. (c) of this section were established by section 1–403 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 3507. Council on International Scientific and Technological Cooperation

(a) Establishment

In order to further the purposes of the Institute, the President is authorized to establish a Council on International Scientific and Technological Cooperation (hereafter in this chapter referred to as the "Council").

(b) Functions

(1) The Council shall—

(A) advise the Director with respect to the policies, programs, planning, and procedures of the Institute;

(B) make recommendations to the Director on the use of the resources available to the Institute; and

(C) advise the Director on matters involving the activities of the Institute overseas and appropriate relationships with the private sector, within and outside the United States.

(2) The Council shall prepare an annual report setting forth the major recommendations made and advice given pursuant to paragraph (1) of this subsection.

(c) Advice to Director concerning selection, termination, or change in activities, and transfer of government programs and projects to Institute; review and recommendations respecting new programs and initiatives

The Director shall seek the advice of the Council before making any decision with respect to the selection or termination of, or any significant change in, the areas and issues in which the Institute conducts its activities, and with respect to the transfer of specific programs and projects from any other Government agency to the Institute. The Council shall have the authority to review all new programs and initiatives before their implementation and to make recommendations with regard to the approval or disapproval of new programs and initiatives having a cost in excess of $500,000 or a duration greater than two years.

(d) Composition; Chairman; appointment, terms, etc., of members

The Council shall consist of up to twenty-five members appointed by the President, one of whom the President shall designate as Chairman. The members of the Council shall be appointed for terms of four years, except that the members first appointed shall be appointed for terms of one, two, three, or four years, as designated by the President at the time of their appointment, so that the terms of approximately one-fourth of the members of the Council expire in any year. The members of the Council shall be selected from among—

(1) citizens of the United States who are widely recognized for their broad knowledge of, or expertise in, science and technology, or their interest in the scientific and technological problems of developing countries;

(2) citizens of foreign countries who by their knowledge and expertise are capable of providing advice and guidance to the Institute on the application of science and technology to the problems of developing countries, except that not more than one-third of the membership of the Council shall consist of members who are citizens of foreign countries; and

(3) officials of the United States Government, except that not to exceed five members of the Council may be appointed under this paragraph, one of whom shall be the Secretary of State or his designee.

(e) Compensation, reimbursement, status, etc., of nongovernmental members

Members of the Council who are not officials of the United States Government shall be entitled to compensation, not to exceed the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5, while in the performance of their duties under this

chapter, and to reimbursement for expenses and per diem in lieu of subsistence while away from their homes or regular places of business in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5. Members of the Council who are not officials of the United States Government shall not be deemed officers, employees, or otherwise in the service or employment of the United States Government for any purpose, except that members of the Council who are United States citizens shall be deemed Government employees for the purposes of sections 202, 203, 205, 207, 208, and 209 of title 18.

(f) Executive and additional committees; membership, powers, etc., of Executive Committee

The Council may appoint from among its members an Executive Committee, and such other committees it deems necessary, to assist it in exercising its powers and functions. The Executive Committee shall consist of seven members, one of whom shall be the Chairman of the Council and not more than three of whom shall be employees of the United States Government. The Executive Committee shall exercise such powers and functions as are delegated to it by the Council.

(Pub. L. 96–53, title IV, § 407, Aug. 14, 1979, 93 Stat. 374.)

ESTABLISHMENT OF COUNCIL

The Council on International Scientific and Technological Cooperation by subsec. (a) of this section was established by section 1–402 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56675, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3511 of this title.

§ 3508. Fellowships

(a) Authorization; number; duration; renewal; criteria; foreign recipients; designation of recipients as Institute Fellows

The President is authorized to award up to twenty fellowships annually for periods up to two years, such awards to be renewable for an additional period not to exceed two years, to individuals who have demonstrated exceptional competence and ability in the fields of scientific, technological, economic, or social endeavor selected by the Institute for concentration. The awards shall be made so as to encompass a wide diversity of disciplines and backgrounds, and shall be made on the basis of criteria established by the President upon the advice of the Council. Up to ten of the awards in any year may be made to citizens of countries other than the United States. Individuals awarded fellowships shall be designated as Institute Fellows.

(b) Activities of Institute Fellows

The President may assign Institute Fellows to undertake such activities, in the United States or abroad, as will further the purposes of the Institute.

(c) Amount of awards; transportation, housing, etc., benefits

The amount of the awards made pursuant to this section shall be established by the President, but shall not in any case exceed the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5. In addition, where appropriate, the President may make provisions for transportation, housing (when assigned outside country of residence), subsistence (or per diem in lieu thereof), and health care or health or accident insurance for Institute Fellows and their dependents while engaged in activities authorized by this chapter.

(d) Status of Institute Fellows

Except as provided otherwise in this section, Institute Fellows shall not be deemed employees or otherwise in the service or employment of the United States Government. Institute Fellows shall be considered employees for purposes of compensation of injuries under chapter 81 of title 5 and the tort claim provisions of chapter 171 of title 28. In addition, Institute Fellows who are United States citizens shall be considered Government employees for purposes of sections 202, 203, 205, 207, 208, and 209 of title 18.

(e) Admission into United States of alien participants in program

Alien participants in any program of the Institute, including Institute Fellows and their dependents, may be admitted to the United States, if otherwise qualified as non-immigrants under section 1101(a)(15) of title 8, for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General.

(Pub. L. 96–53, title IV, § 408, Aug. 14, 1979, 93 Stat. 375.)

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency by section 1–102(a)(5) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 3509. Conflict of interest; personnel and activities covered

Members of the Council and Institute Fellows shall avoid any action, in their activities with respect to the Institute, which might result in, or create the appearance of, a conflict of interest, including but not limited to—

(1) using their office or position for private gain;

(2) giving preferential treatment to any person;

(3) making recommendations or decisions relating to any activity authorized by this chapter in other than an impartial and independent manner;

(4) misusing Government property or official information obtained through their office or position which has not been made available to the general public; or

(5) affecting adversely the confidence of the public in the integrity of the Institute.

(Pub. L. 96-53, title IV, § 409, Aug. 14, 1979, 93 Stat. 376.)

§ 3510. Authorization of appropriations

There are authorized to be appropriated to the President to carry out this chapter, in addition to funds otherwise available for such purpose, $23,750,000 for the fiscal year 1980. Funds appropriated under this section are authorized to remain available until expended.

(Pub. L. 96-53, title IV, § 410, Aug. 14, 1979, 93 Stat. 376.)

ALLOCATION OF FUNDS

Funds available to the President for carrying out this chapter were allocated to the Director of the United States International Development Cooperation Agency by section 1-801(a)(2) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56678, eff. Oct. 1, 1979, set out as a note under Section 2381 of this title.

§ 3511. Annual report

(a) Within ninety days after the end of each fiscal year, the President shall submit to Congress a complete and detailed report of the Institute's operations during such fiscal year. Each such report shall include a detailed discussion of the impact of the programs of the Institute on development and shall specify what percentage of the Institute's funds (excluding funds used for operating expenses) were used during such fiscal year for activities which further the policies set forth in section 2151-1 of this title.

(b) Each such report shall include the report prepared by the Council pursuant to section 3507(b)(2) of this title.

(Pub. L. 96-53, title IV, § 411, Aug. 14, 1979, 93 Stat. 376.)

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Director of the United States International Development Cooperation Agency by section 1-102(a)(5) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

§ 3512. Establishment within International Development Cooperation Agency

Upon the establishment of the United States International Development Cooperation Agency pursuant to Reorganization Plan Numbered 2 of 1979, the Institute shall be established within such Agency.

(Pub. L. 96-53, title IV, § 413, Aug. 14, 1979, 93 Stat. 377.)

REFERENCES IN TEXT

Reorganization Plan Numbered 2 of 1979, referred to in text, is Reorg. Plan No. 2 of 1979, 44 F.R. 41165, 93 Stat. 1378, effective Oct. 1, 1979 pursuant to Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as notes under section 2381 of this title.

§ 3513. Expiration of statutory authorities

The authorities contained in this chapter shall expire on September 30, 1984.

(Pub. L. 96-53, title IV, § 414, Aug. 14, 1979, 93 Stat. 377.)

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§ 3601. Congressional statement of purpose

It is the purpose of this chapter to provide legislation necessary or desirable for the implementation of the Panama Canal Treaty of 1977 between the United States of America and the Republic of Panama and of the related agreements accompanying that Treaty.

(Pub. L. 96-70, § 2, Sept. 27, 1979, 93 Stat. 455.)

REFERENCES IN TEXT

This chapter, referred to in text, in the original read "this Act", meaning Pub. L. 96-70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

EFFECTIVE DATE

Section 3304 of Pub. L. 96-70 provided that: "Except as provided in sections 1231 [enacting section 3671 of this title and amending sections 5595, 5724a, and 8102 of Title 5, Government Organization and Employees], 1232 [enacting section 3672 of this title and a provision set out as a note under section 3672 of this title], 1241 [amending section 8336 of Title 5 and enacting provisions set out as notes under section 8336 of Title 5], 1242 [amending section 8339 of Title 5 and enacting provisions set out as notes under section 8339 of Title 5], 1261 [enacting section 3691 of this title and a provision set out as a note under section 3691 of this title], 1605 [enacting section 3795 of this title and a provision set out as a note under section 3795 of this title], 2203 [enacting section 3843 of this title and a provision set out as a note under section 3843 of this title], 2402 [enacting section 3852 of this title and a provision set out as a note under section 3852 of this title], 3101 [enacting section 3861 of this title], and 3201 [amending sections 1101 and 1182 of Title 8, Aliens and Nationality, and enacting provisions set out as notes under sections 1101 and 1182 of Title 8] of this Act, the preceding provisions of this Act [see Short Title note below] shall take effect on the date on which the Panama Canal Treaty of 1977 enters into force [Oct. 1, 1979]."

SHORT TITLE

Section 1 of Pub. L. 96-70 provided that: "This Act [enacting this chapter, amending section 2778 of this title, sections 305, 5102, 5316, 5342, 5343, 5348, 5373, 5504, 5533, 5541, 5583, 5595, 5724a, 6301, 6322, 6323, 8102, 8146, 8335, 8336, 8339, 8348, 8701, and 8901 of Title 5, Government Organization and Employees, sections 1101 and 1182 of Title 8, Aliens and Nationality, section 213 of Title 29, Labor, sections 403, 3401, and 3682 of Title 39, Postal Service, and sections 191, 195, and 196 of Title 50, War and National Defense, repealing section 3402 of Title 39 and section 191b of Title 50, and enacting provisions set out as notes under sections 3601, 3602, 3672, 3691, 3795, 3843, and 3852 of this title, sections 8336 and 8339 of Title 5, and sections 1101 and 1182 of Title 8] may be cited as the 'Panama Canal Act of 1979'."

§ 3602. Definitions and recommendation for legislation

(a) References to Panama Canal Treaty of 1977 and related agreements

For purposes of this chapter—

(1) references to the Panama Canal Treaty of 1977 refer to the Panama Canal Treaty between the United States of America and the Republic of Panama, signed September 7, 1977; and

(2) references to the Panama Canal Treaty of 1977 and related agreements refer to the Panama Canal Treaty of 1977, the agreements relating to and implementing that Treaty, signed September 7, 1977, and the Agreement Between the United States of America and the Republic of Panama Concerning Air Traffic Control and Related Services, concluded January 8, 1979.

(b) Definitions

Subject to the provisions of subsection (c) of this section, for purposes of applying the Canal Zone Code or other laws of the United States and regulations issued pursuant to such Code or other laws with respect to transactions, occurrences, or status on or after October 1, 1979—

(1) "Canal Zone" shall be deemed to refer to the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements;

(2) "Canal Zone waters" and "waters of the Canal Zone" shall be deemed to refer to "Panama Canal waters" and "waters of the Panama Canal", respectively;

(3) "Government of the Canal Zone" or "Canal Zone Government" shall be deemed to refer to the United States of America;

(4) "Governor of the Canal Zone" or "Governor", wherever the reference is to the Governor of the Canal Zone, shall be deemed to refer to the Panama Canal Commission;

(5) "Panama Canal Company" or "Company", wherever the reference is to the Panama Canal Company, shall be deemed to refer to the Panama Canal Commission;

(6) in chapter 57 of title 5 of the Canal Zone Code, "hospitals" and "Health Bureau" shall be deemed to refer, respectively, to the hospitals operated by the United States in the Republic of Panama, and to the organizational unit operating such hospitals; and

(7) in chapter 57 of title 5 of the Canal Zone Code, in section 4784 of title 6 of such Code, and in section 2 of title 7 of such Code, "health director" shall be deemed to refer to the senior official in charge of the hospitals operated by the United States in the Republic of Panama.

(c) Applicability of subsec. (b)

Any reference set forth in subsection (b) of this section shall apply except as otherwise provided in this chapter or unless (1) such reference is inconsistent with the provisions of this chapter, (2) in the context in which a term is used such reference is clearly not intended, or (3) a term refers to a time before October 1, 1979.

(d) Recommendation for legislation

The President shall, within two years after October 1, 1979, submit to the Congress a request for legislation which would—

(1) amend or repeal provisions of law which in their present form are applicable only during the transition period prescribed in Article XI of that Treaty,

(2) repeal the Canal Zone Code, and

(3) contain provisions considered necessary and appropriate in light of the experience as of that time under that Treaty.

(Pub. L. 96–70, § 3, Sept. 27, 1979, 93 Stat. 455.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), in the original read "this Act", meaning Pub. L. 96–70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979 which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

REFERENCES TO CANAL ZONE CODE DEEMED REFERENCES TO PANAMA CANAL CODE

Section 3303(b) of Pub. L. 96–70 provided that: "Those provisions of the Canal Zone Code not repealed by this Act are redesignated as the 'Panama Canal Code'. Any reference to the Canal Zone Code in those laws and regulations referred to in section 3(b) of this Act [subsec. (b) of this section] shall, subject to the provisions of such section, be deemed to refer to the Panama Canal Code."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 5343, 5595, 5724a, 8102; title 8 section 1101.

SUBCHAPTER I—ADMINISTRATION AND REGULATIONS

PART 1—PANAMA CANAL COMMISSION

§ 3611. Panama Canal Commission; establishment

There is established in the executive branch of the United States Government an agency to be known as the Panama Canal Commission (hereinafter in this chapter referred to as the "Commission"). The Commission shall, under the general supervision of the Board established by section 3612 of this title, be responsible for the maintenance and operation of the Panama Canal and the facilities and appurtenances related thereto. The authority of the President with respect to the Commission shall be exercised through the Secretary of Defense.

(Pub. L. 96–70, title I, § 1101, Sept. 27, 1979, 93 Stat. 456.)

REFERENCES IN TEXT

This chapter, referred to in text, in the original read "this Act", meaning Pub. L. 96–70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979 which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

§ 3612. Supervisory Board

(a) Composition of Board

The Commission shall be supervised by a Board composed of nine members, one of whom shall be the Secretary of Defense or an officer of the Department of Defense designated by the Secretary. Not less than five members of the Board shall be nationals of the United States and the remaining members shall be nationals of the Republic of Panama. At least one of the members of the Board who are nationals of the United States shall be experienced and knowledgeable in the management or operation of an American-flag steamship line which has or had ships regularly transiting the Panama Canal, at least one other such member shall be experienced and knowledgeable in United States port operations or in the business of exporting or importing one of the regular commodities dependent on the Panama Canal as a transportation route, and at least one other such member shall be experienced and knowledgeable in labor matters in the United States. Three members of the Board shall hold no other office in or be employed by the Government of the United States. Members of the Board who are nationals of the United States shall cast their votes as directed by the Secretary of Defense or his designee.

(b) Membership of Board; appointing authority; compensation and travel expenses

The President shall appoint the members of the Board. The members of the Board who are United States nationals shall be appointed by and with the advice and consent of the Senate. Each member of the Board shall hold office at the pleasure of the President and, before assuming the duties of such office, shall take an oath to discharge faithfully the duties of his office. Members of the Board shall serve without compensation but shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, in accordance with section 3617 of this title.

(c) Meetings; quorum

The Board shall hold meetings as provided in regulations adopted by the Commission and approved by the Secretary of Defense. A quorum for the transaction of business shall consist of a majority of the Board members of which a majority of those present are nationals of the United States.

(Pub. L. 96–70, title I, § 1102, Sept. 27, 1979, 93 Stat. 456.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3611 of this title.

§ 3613. Administrator

There shall be an Administrator of the Commission, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President.

(Pub. L. 96-70, title I, § 1103, Sept. 27, 1979, 93 Stat. 457.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3642 of this title.

§ 3614. Deputy Administrator and Chief Engineer

(a) There shall be a Deputy Administrator and a Chief Engineer of the Commission, both of whom shall be appointed by the President. The Deputy Administrator and the Chief Engineer shall perform such duties as may be prescribed by the President.

(b) The Deputy Administrator and the Chief Engineer shall each be paid compensation at a rate of pay established by the President which does not exceed the rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5.

(Pub. L. 96-70, title I, § 1104, Sept. 27, 1979, 93 Stat. 457.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3642 of this title.

§ 3615. Consultative Committee

(a) The President shall designate, and the Secretary of State shall coordinate the participation of, representatives of the United States to the Consultative Committee to be established under paragraph 7 of Article III of the Panama Canal Treaty of 1977.

(b) The Consultative Committee shall function as a diplomatic forum for the exchange of views between the United States and the Republic of Panama. The Committee shall advise the United States Government and the Government of the Republic of Panama on matters of policy affecting the operation of the Panama Canal. The Committee shall have no authority to direct the Commission or any other department or agency of the United States to initiate or withhold action.

(Pub. L. 96-70, title I, § 1105, Sept. 27, 1979, 93 Stat. 457.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3617 of this title.

§ 3616. Joint Commission on the Environment

(a) Establishment; composition

The United States and the Republic of Panama, in accordance with the Panama Canal Treaty of 1977, shall establish a Joint Commission on the Environment (hereinafter in this section referred to as the "Joint Commission") to be composed of not more than three representatives of the United States and three representatives of the Republic of Panama, or such other equivalent numbers of representatives as may be agreed upon by the Governments of the two countries. The United States members of the Joint Commission shall periodically review the implementation of the Panama Canal Treaty of 1977 with respect to its impact on the environment and shall, jointly with the representatives of the Government of Panama, make recommendations to the United States Government and the Government of the Republic of Panama with respect to ways to avoid or mitigate adverse environmental impacts resulting from actions taken pursuant to such Treaty.

(b) Appointment; compensation and travel expenses

Representatives of the United States on the Joint Commission shall be appointed by the President and shall serve at the pleasure of the President. Such representatives shall serve without compensation but shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, in accordance with section 3617 of this title.

(c) Protection of pay, senority, or other rights or benefits of appointed or detailed Federal employees

Any Federal employee subject to the civil service laws and regulations who is detailed to serve with, or appointed by, the United States representatives on the Joint Commission shall not lose any pay, seniority, or other rights or benefits by reason of such detail or appointment.

(d) Compensation of necessary personnel

The United States representatives on the Joint Commission may, to such extent or in such amounts as are provided in advance in appropriation Acts, appoint and fix the compensation of such personnel as the representatives of the United States on the Joint Commission may consider necessary for the participation of the United States on the Joint Commission.

(e) Rules of procedure; establishment; approval

The United States representatives on the Joint Commission may, in cooperation with the representatives of the Republic of Panama on the Joint Commission, establish rules of procedure to be used by the Joint Commission in conducting its affairs, subject to the approval of such rules by the Governments of the United States and the Republic of Panama.

(Pub. L. 96-70, title I, § 1106, Sept. 27, 1979, 93 Stat. 457.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (c), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3617 of this title.

§ 3617. Travel expenses

While away from their homes, regular places of business, or official stations in performance of services under this part, members of the Board of the Commission and the representatives of the United States on the Consultative Committee referred to in section 3615 of this title and on the Joint Commission on the Environment referred to in section 3616 of this title shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, in the same manner as persons employed

intermittently in Government service are allowed expenses under section 5703 of title 5.

(Pub. L. 96–70, title I, § 1107, Sept. 27, 1979, 93 Stat. 458.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3612, 3616 of this title.

§ 3618. Defense of Panama Canal

In the event of an armed attack against the Panama Canal, or when, in the opinion of the President, conditions exist which threaten the security of the Canal, the Administrator of the Commission shall, upon the order of the President, comply with such directives as the United States military officer charged with the protection and defense of the Panama Canal may consider necessary in the exercise of his duties.

(Pub. L. 96–70, title I, § 1108, Sept. 27, 1979, 93 Stat. 458.)

§ 3619. Joint sea level canal study

(a) Committee; appointment of representatives

The President shall appoint the representatives of the United States to any joint committee or body with the Republic of Panama to study the possibility of a sea level canal in the Republic of Panama pursuant to Article XII of the Panama Canal Treaty of 1977.

(b) Transmittal of study to President of the Senate and Speaker of the House of Representatives

Upon the completion of any joint study between the United States and the Republic of Panama concerning the feasibility of a sea level canal in the Republic of Panama pursuant to paragraph 1 of Article XII of the Panama Canal Treaty of 1977, the text of the study shall be transmitted by the President to the President of the Senate and to the Speaker of the House of Representatives.

(c) Congressional authorization respecting construction of sea level canal

No construction of a sea level canal by the United States in the Republic of Panama shall be undertaken except with express congressional authorization after submission of the study by the President as provided in subsection (b) of this section.

(Pub. L. 96–70, title I, § 1109, Sept. 27, 1979, 93 Stat. 459.)

§ 3620. Authority of Ambassador

(a) The United States Ambassador to the Republic of Panama shall have full responsibility for the coordination of the transfer to the Republic of Panama of those functions that are to be assumed by the Republic of Panama pursuant to the Panama Canal Treaty of 1977 and related agreements.

(b)(1) The Commission shall not be subject to the direction or supervision of the United States Chief of Mission in the Republic of Panama with respect to the responsibilities of the Commission for the operation, management, or maintenance of the Panama Canal, as established in this chapter or any other Act or in the Panama Canal Treaty of 1977 and related agreements, except that the Commission shall keep the Ambassador fully and currently informed with respect to all activities and operations of the Commission.

(2) Except as provided in paragraph (1) of this subsection, section 2680a of this title shall apply with respect to the activities of the Commission.

(Pub. L. 96–70, title I, § 1110, Sept. 27, 1979, 93 Stat. 459.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(1), in the original read "this Act", meaning Pub. L. 96–70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979 which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

§ 3621. Security legislation

It is the sense of the Congress that the best interests of the United States require that the President enter into negotiations with the Republic of Panama for the purpose of arranging for the stationing of United States military forces, after the termination of the Panama Canal Treaty of 1977, in the area comprising the Canal Zone before October 1, 1979, and for the maintenance of installations and facilities, after the termination of such Treaty, for the use of United States military forces stationed in such area. The President shall report to the Congress in a timely manner the status of negotiations conducted pursuant to this section.

(Pub. L. 96–70, title I, § 1111, Sept. 27, 1979, 93 Stat. 459.)

§ 3622. Code of conduct for Commission personnel

(a) Oath; compliance with laws of United States regarding duties and responsibilities of Federal employees

Before assuming the duties of his office or employment, each member of the Board of the Commission and each officer and employee of the Commission shall take an oath to discharge faithfully the duties of his office or employment. All employees of the Commission shall be subject to the laws of the United States regarding duties and responsibilities of Federal employees.

(b) Adoption of code of conduct; time limit; contents

Not later than 60 days after all the members of the Board of the Commission have been appointed, the Board shall adopt a code of conduct applicable to the persons referred to in subsection (a) of this section. The code of conduct shall contain provisions substantially equivalent to those contained in part 735 of title 5 of the Code of Federal Regulations on October 1, 1979. The code of conduct shall, at a minimum, contain provisions substantially equivalent to the following provisions of law:

(1) the provisions of chapter 11 of title 18, relating to bribery, graft, or conflicts of interest, as appropriate to the employees concerned;

(2) section 7352 of title 5;

(3) sections 207, 208, 285, 508, 641, 645, 1001, 1917, and 2071 of title 18;

(4) section 638a of title 31;

(5) the Ethics in Government Act of 1978 (92 Stat. 1824), as amended; and

(6) those provisions of the laws and regulations of the Republic of Panama which are substantially equivalent to those of the United States set forth in this subsection.

(c) Investigations by Commission respecting violations; recommendations for suspension

The Commission shall investigate any allegations regarding the violation of the code of conduct adopted pursuant to subsection (b) of this section. The Commission may recommend that the President suspend from the performance of his duties any member of the Board of the Commission or any officer or employee of the Commission, pending judicial proceedings by appropriate authorities concerning such allegations.

(d) Measures to insure compliance with code of conduct

The President shall negotiate suitable arrangements with the Republic of Panama whereby each nation shall agree to take all measures within its legal authority to assure that members of the Board of the Commission comply with the code of conduct established pursuant to subsection (b) of this section. Without prejudice to such jurisdiction as the United States may have with respect to members of the Board, the provisions of law enumerated in subsection (b) of this section shall be enforced with respect to members of the Board only in accordance with such arrangements.

(Pub. L. 96–70, title I, § 1112, Sept. 27, 1979, 93 Stat. 459.)

REFERENCES IN TEXT

The Ethics in Government Act of 1978 (92 Stat. 1824), as amended, referred to in subsec. (b)(5), is Pub. L. 95–521, Oct. 26, 1978, 92 Stat. 1824, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 2, The Congress, and Tables.

§ 3623. Office of Ombudsman

(a) Establishment; appointment of Ombudsman; functions

There is established within the Commission an Office of Ombudsman, to be directed by an Ombudsman, who shall be appointed by the Commission. It shall be the function of the Office of Ombudsman to receive individual complaints, grievances, requests, and suggestions of employees (and their dependents) of the Commission and other departments and agencies of the United States, including the Smithsonian Institution, conducting operations before October 1, 1979, in the area then comprising the Canal Zone concerning administrative problems, inefficiencies, and conflicts caused within departments and agencies of the United States, including the Smithsonian Institution, as a result of the implementation of the Panama Canal Treaty of 1977 and related agreements.

(b) Authority to make findings, render assistance, and offer recommendations

The Ombudsman shall make findings and render assistance with respect to the complaints, grievances, requests, and suggestions submitted to the Office of Ombudsman, and shall make appropriate recommendations to the Commission or any other department or agency of the United States, including the Smithsonian Institution.

(c) Effect on procedures for grievances, appeals, or administrative matters under this chapter, in other provisions of law, or in Federal regulations

The establishment of the Office of Ombudsman shall not affect any procedures for grievances, appeals, or administrative matters in any other provision of this chapter, any other provision of law, or any Federal regulation.

(d) Citizenship requirement

The Ombudsman shall be a citizen of the United States.

(e) Termination date

The Office of Ombudsman shall terminate upon the termination of the Panama Canal Treaty of 1977.

(Pub. L. 96–70, title I, § 1113, Sept. 27, 1979, 93 Stat. 460.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), in the original read "this Act", meaning Pub. L. 96–70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979 which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

PART 2—EMPLOYEES

SUBPART I—PANAMA CANAL COMMISSION PERSONNEL

§ 3641. Definitions

As used in this part—

(1) "Executive agency" has the meaning given that term in section 105 of title 5;

(2) "uniformed services" has the meaning given that term in section 2101(3) of title 5;

(3) "competitive service" has the meaning given that term in section 2102 of title 5; and

(4) "United States", when used in a geographic sense, means each of the several States and the District of Columbia.

(Pub. L. 96–70, title I, § 1201, Sept. 27, 1979, 93 Stat. 461.)

§ 3642. Appointment and compensation; duties

(a) In accordance with this part, the Panama Canal Commission may appoint without regard to the provisions of title 5, relating to appointments in the competitive service, fix the compensation of, and define the authority and duties of, officers, agents, attorneys, and employees (other than the Administrator, Deputy Administrator, and Chief Engineer) necessary for the management, operation, and maintenance of the Panama Canal and its complementary works, installations, and equipment.

(b) Individuals serving in any Executive agency (other than the Commission) or the

Smithsonian Institution, including individuals serving in the uniformed services, may, if appointed under this section or section 3613 or 3614 of this title, serve as officers or employees of the Commission.

(Pub. L. 96–70, title I, § 1202, Sept. 27, 1979, 93 Stat. 461.)

REFERENCES IN TEXT

The provisions of title 5, relating to appointments in the competitive service, referred to in subsec. (a), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3652 of this title; title 5 sections 5373, 5948.

§ 3643. Transfer of Federal employees

(a) Authority to enter into agreements; reemployment rights

The head of any agency may enter into agreements for the transfer or detail to the Commission of any employee of that agency serving under a permanent appointment. Any employee who so transfers or is so detailed shall, upon completion of the employee's tour of duty with the Commission, be entitled to reemployment with the agency from which the employee was transferred or detailed without loss of pay, seniority, or other rights or benefits to which the employee would have been entitled had the employee not been so transferred or been so detailed.

(b) "Agency" defined

For purposes of this section, the term "agency" means an Executive agency, the United States Postal Service, and the Smithsonian Institution.

(c) Regulations

The Office of Personnel Management shall prescribe regulations to carry out the purposes of this section.

(Pub. L. 96–70, title I, § 1203, Sept. 27, 1979, 93 Stat. 461.)

§ 3644. Compensation of individuals in uniformed services

(a) Individual serving in a position in Commission

Except as provided in subsection (b) of this section, any individual who is serving in a position in the Commission and who is a member of a uniformed service shall continue to be paid basic pay by such uniformed service and shall not be paid by the Commission for the period of the service in the uniformed service involved.

(b) Individual appointed as Administrator, Deputy Administrator, or Chief Engineer

If the individual appointed as Administrator, Deputy Administrator, or Chief Engineer of the Commission is a member of a uniformed service, the amount of basic pay otherwise payable to the individual for service in that position shall be reduced, up to the amount of that basic pay, by the amount of the basic pay payable to the individual as a member of a uniformed service.

(c) Reimbursement to uniformed service

The Commission shall annually pay to each uniformed service amounts sufficient to reimburse that uniformed service for any basic pay paid by that uniformed service to any member of that service during any period of service in the Commission by the member.

(Pub. L. 96–70, title I, § 1204, Sept. 27, 1979, 93 Stat. 461.)

§ 3645. Deduction from basic pay of amounts due for supplies or services

The Commission may deduct from the basic pay otherwise payable by the Commission to any officer or employee of the Commission any amount due from the officer or employee to the Commission or to any contractor of the Commission for transportation, board, supplies, or any other service. Any amount so deducted may be paid by the Commission to any contractor to whom it is due or may be credited by the Commission to any appropriation from which the Commission has expended such amount.

(Pub. L. 96–70, title I, § 1205, Sept. 27, 1979, 93 Stat. 462.)

§ 3646. Cost of living allowance

Effective beginning October 1, 1984, each officer and employee of the Commission who is a citizen of the United States and was employed by the Panama Canal Company or the Canal Zone Government on September 30, 1979, or who is an individual of any nationality recruited outside the Republic of Panama after September 30, 1979, may be paid an allowance to offset any increased cost of living which may result from the termination of the eligibility of the officer or employee and his dependents to use military postal services, sales stores, and exchanges. The amount of the allowance may be determined by the Commission.

(Pub. L. 96–70, title I, § 1206, Sept. 27, 1979, 93 Stat. 462.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3691 of this title.

§ 3647. Educational travel benefits

(a) The Commission shall provide by regulation for round-trip transportation between the Republic of Panama and the United States or, in the case of an employee described in paragraph (2) of this subsection, between the Republic of Panama and the country in which such employee is recruited, for undergraduate college education for dependents of employees of the Commission who—

(1) are United States citizens who were employed by the Panama Canal Company or the Canal Zone Government on September 30, 1979, or

(2) are recruited outside the Republic of Panama after that date.

(b) The regulations prescribed by the Commission under this section shall—

(1) provide eligibility requirements which must be met by such dependents to qualify

for transportation under this section, including a requirement that all eligible dependents must be under 23 years of age; and

(2) limit the transportation provided to one round trip during any one-year period.

(Pub. L. 96-70, title I, § 1207, Sept. 27, 1979, 93 Stat. 462.)

§ 3648. Privileges and immunities of certain employees

The Secretary of Defense shall designate those officers and employees of the Commission and other individuals entitled to the privileges and immunities accorded under paragraph 3 of Article VIII of the Panama Canal Treaty of 1977. The Department of State shall furnish to the Republic of Panama a list of the names of such officers, employees, and other individuals and shall notify the Republic of Panama of any subsequent additions to or deletions from the list.

(Pub. L. 96-70, title I, § 1208, Sept. 27, 1979, 93 Stat. 463.)

§ 3649. Inapplicability of certain benefits to certain noncitizens

Chapter 81 of title 5, relating to compensation for work injuries, chapter 83 of such title 5, relating to civil service retirement, chapter 87 of such title 5, relating to life insurance, and chapter 89 of such title 5, relating to health insurance, are inapplicable to any individual—

(1) who is not a citizen of the United States;

(2) whose initial appointment by the Commission occurs after October 1, 1979; and

(3) who is covered by the Social Security System of the Republic of Panama pursuant to any provision of the Panama Canal Treaty of 1977 and related agreements.

(Pub. L. 96-70, title I, § 1209(a), Sept. 27, 1979, 93 Stat. 463.)

SUBPART II—WAGE AND EMPLOYMENT PRACTICES

§ 3651. Definitions

As used in this subpart—

(1) "agency" means—

(A) the Commission, and

(B) an Executive agency or the Smithsonian Institution, to the extent of any election in effect under section 3652(b)(2) of this title;

(2) "position" means a civilian position in the Commission, or in any other agency if a substantial portion of the duties and responsibilities are performed in the Republic of Panama; and

(3) "employee" means an individual serving in a position.

(Pub. L. 96-70, title I, § 1211, Sept. 27, 1979, 93 Stat. 463.)

§ 3652. Panama Canal Employment System

(a) Establishment; merit and other employment requirements

After considering any recommendations of the Commission, the President shall establish a Panama Canal Employment System. The Panama Canal Employment System shall—

(1) be established in accordance with and be subject to the provisions of the Panama Canal Treaty of 1977 and related agreements, the provisions of this part, and any other applicable provision of law;

(2) be based on the consideration of the merit of each employee or candidate for employment and the qualifications and fitness of the employee to hold the position concerned;

(3) conform, to the extent practicable and consistent with the provisions of this chapter, to the policies, principles, and standards applicable to the competitive service; and

(4) in the case of employees who are citizens of the United States, provide for the appropriate interchange of those employees between positions under the Panama Canal Employment System and positions in the competitive service.

(b) Applicability to Commission, any Executive agency, and the Smithsonian Institution

(1) The Commission, and any Executive agency and the Smithsonian Institution to the extent of any election under paragraph (2) of this subsection, shall conduct their employment and pay practices relating to employees in accordance with the Panama Canal Employment System and regulations prescribed by, or under the authority of, the President in accordance with this subpart.

(2) The head of any Executive agency and the Smithsonian Institution may elect to have the Panama Canal Employment System made applicable in whole or in part to personnel of that agency in the Republic of Panama.

(c) Amendment or modification by President

Subject to the provisions of this part, the President may, from time to time and after considering any recommendation of the Commission, amend or modify any provision of the Panama Canal Employment System, including any provision relating to selection for appointment, reappointment, reinstatement, reemployment, and retention, with respect to positions, employees, and candidates for employment.

(d) Exclusion or inclusion respecting coverage of certain employees

The President may, to the extent the President determines appropriate—

(1) exclude any employee or position from coverage under any provision of this subpart; and

(2) notwithstanding section 3642 of this title, extend to any employee, whether or not the employee is a citizen of the United States, the rights and privileges which are provided by applicable laws and regulations for citizens of the United States employed in the competitive service.

(Pub. L. 96-70, title I, § 1212, Sept. 27, 1979, 93 Stat. 464.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(3), in the original read "this Act", meaning Pub. L. 96-70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979 which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3651, 3654 of this title; title 5 section 5102.

§ 3653. Employment standards

The head of each agency shall establish written standards for—

(1) determining the qualifications and fitness of employees and of candidates for employment in positions; and

(2) selecting individuals for appointment, promotion, or transfer to positions.

The standards shall conform to the provisions of this subpart, any regulations prescribed thereunder, and the Panama Canal Employment System.

(Pub. L. 96-70, title I, § 1213, Sept. 27, 1979, 93 Stat. 464.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3656 of this title.

§ 3654. Interim application of Canal Zone Merit System

Notwithstanding any repeal made by this chapter or any provision of this part, the provisions of subchapter III of chapter 7 of title 2 of the Canal Zone Code establishing the Canal Zone Merit System, together with the regulations prescribed thereunder, as in effect on September 30, 1979, shall continue in effect and shall apply with respect to employees until the Panama Canal Employment System is established and in effect pursuant to section 3652 of this title.

(Pub. L. 96-70, title I, § 1214, Sept. 27, 1979, 93 Stat. 465.)

REFERENCES IN TEXT

This chapter, referred to in text, in the original read "this Act", meaning Pub. L. 96-70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979 which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

§ 3655. Basic pay

(a) Establishment and revision of rates

The head of each agency, in accordance with the provisions of this subpart, shall establish, and from time to time may revise, the rates of basic pay for positions and employees in the agency.

(b) Relationship of same or similar work performed in United States or certain other areas outside United States

The rates of basic pay may be established and revised in relation to the rates of basic pay for the same or similar work performed in the United States or in such areas outside the United States as may be designated in the regulations prescribed under section 3663 of this title.

(c) Adjustments in rates; limits

The head of each agency may make adjustments in rates of basic pay established under subsection (b) of this section in amounts not to exceed the amounts of the adjustments made from time to time by or under statute in the corresponding rates of basic pay for the same or similar work referred to in such subsection (b) of this section. The head of the agency may designate the effective date of any such adjustment, except that that date may not be earlier than the effective date of the adjustment in the corresponding rate of basic pay.

(Pub. L. 96-70, title I, § 1215, Sept. 27, 1979, 93 Stat. 465.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3656, 3658, 3659 of this title.

§ 3656. Uniform application of standards and rates

The standards established pursuant to section 3653 of this title and the rates of basic pay established pursuant to section 3655 of this title shall be applied without regard to whether the employee or individual concerned is a citizen of the United States or a citizen of the Republic of Panama.

(Pub. L. 96-70, title I, § 1216, Sept. 27, 1979, 93 Stat. 465.)

§ 3657. Recruitment and retention remuneration

(a) Determination by head of agency

In addition to basic pay, additional compensation may be paid, in such amounts as the head of the agency concerned determines, as an overseas recruitment or retention differential to any individual who—

(1) before October 1, 1979, was employed by the Panama Canal Company, by the Canal Zone Government, or by any other agency in the area then known as the Canal Zone;

(2) is an employee who was recruited on or after October 1, 1979, outside of the Republic of Panama for placement in the Republic of Panama; or

(3) is a medical doctor employed by the Department of Defense in the Republic of Panama or by the Commission;

if, in the judgment of the head of the agency concerned, the recruitment or retention of the individual is essential.

(b) Restriction

Any employee described in more than one paragraph of subsection (a) of this section may qualify for a recruitment or retention differential under only one of those paragraphs.

(c) Limit on compensation

Additional compensation provided under this section may not exceed 25 percent of the rate of basic pay for the same or similar work performed in the United States by individuals employed by the Government of the United States.

(d) Applicability of subchapter III of chapter 59 of title 5

Subchapter III of chapter 59 of title 5, relating to overseas differentials and allowances, shall not apply with respect to any employee whose permanent duty station is in the Repub-

lic of Panama and who is employed by an agency.

(Pub. L. 96-70, title I, § 1217, Sept. 27, 1979, 93 Stat. 465.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3658 of this title.

§ 3658. Benefits based on basic pay

For the purpose of determining—

(1) amounts of compensation for disability or death under chapter 81 of title 5, relating to compensation for work injuries;

(2) benefits under subchapter III of chapter 83 of title 5, relating to civil service retirement;

(3) amounts of insurance under chapter 87 of title 5, relating to life insurance;

(4) amounts of overtime pay or other premium pay;

(5) annual leave benefits; and

(6) any other benefits related to basic pay;

the basic pay of each employee shall include the rate of basic pay established for his position under section 3655 of this title plus the amount of any additional compensation provided under section 3657 of this title.

(Pub. L. 96-70, title I, § 1218, Sept. 27, 1979, 93 Stat. 466.)

§ 3659. Salary protection upon conversion of pay base

(a) In the case of any employee whose rate of basic pay is determined in relation to rates of basic pay for the same or similar work in the United States and which is converted to a rate of basic pay pursuant to section 3655(b) of this title which is determined in relation to rates in areas other than the United States pursuant to such section 3655(b) of this title, the employee shall continue to receive a rate of basic pay not less than that to which the employee was entitled immediately before the conversion.

(b) This section shall cease to apply with respect to any employee if the employee is placed in a position—

(1) for which the rate of basic pay is determined in relation to rates of basic pay in the United States pursuant to section 3655(b) of this title; or

(2) which is of a lower grade.

(Pub. L. 96-70, title I, § 1219, Sept. 27, 1979, 93 Stat. 466.)

§ 3660. Review and adjustment of classifications, grades, and pay level

An employee may request at any time that the employee's agency—

(1) review the classification of the employee's position or the grade or pay level for the employee's position, or both; and

(2) revise or adjust that classification, grade or pay level, or both, as the case may be.

The request for review and revision or adjustment shall be submitted and adjudicated in accordance with the regularly established appeals procedures of the agency.

(Pub. L. 96-70, title I, § 1220, Sept. 27, 1979, 93 Stat. 466.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3662 of this title.

§ 3661. Panama Canal Board of Appeals; duties

(a) Subject to the provisions of this part, the President shall prescribe regulations establishing a Panama Canal Board of Appeals. The regulations shall provide for the number of members of the Board and their appointment, compensation, and terms of office, the selection of a Chairman of the Board, the appointment and compensation of the Board's employees, and other appropriate matters relating to the Board.

(b) The Board shall review and determine the appeals of employees in accordance with section 3662 of this title. The decisions of the Board shall conform to the provisions of this subpart.

(Pub. L. 96-70, title I, § 1221, Sept. 27, 1979, 93 Stat. 466.)

§ 3662. Appeals to Board; procedures

(a) Persons entitled to appeal; form; time

An employee may appeal to the Panama Canal Board of Appeals from an adverse determination made by an agency under section 3660 of this title. The appeal shall be made in writing within a reasonable time (as specified in regulations prescribed by, or under the authority of, the President) after the date of the transmittal by the agency to the employee of written notice of the adverse determination.

(b) Personal appearance

The Board may authorize, in connection with an appeal pursuant to subsection (a) of this section, a personal appearance before the Board by the employee, or by a representative of the employee designated for that purpose.

(c) Consideration of evidence; decision

After investigation and consideration of the evidence submitted, the Board shall—

(1) prepare a written decision on the appeal;

(2) transmit its decision to the agency concerned; and

(3) transmit copies of the decision to the employee concerned or to the designated representative.

(d) Finality of decision

The decision of the Board on any question or other matter relating to an appeal is final and conclusive. The agency concerned shall take action in accordance with the decision of the Board.

(Pub. L. 96-70, title I, § 1222, Sept. 27, 1979, 93 Stat. 467.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3661 of this title.

§ 3663. Administration by President

(a) Prescription of regulations

The President shall prescribe regulations necessary and appropriate to carry out the provisions of this subpart and coordinate the policies and activities of agencies under this subpart.

(b) Establishment of office; duties

The President may establish an office within the Commission as the successor to the Canal Zone Central Examining Office. The purpose of the office shall be to assist the President in—

(1) carrying out the President's coordination responsibility under subsection (a) of this section; and

(2) implementing the provisions of the Panama Canal Treaty of 1977 and related agreements with respect to recruitment, examination, determination of qualification standards, and similar matters.

(c) Delegation by President

The President may delegate any authority vested in the President by this subpart and may provide for the redelegation of that authority.

(Pub. L. 96-70, title I, § 1223, Sept. 27, 1979, 93 Stat. 467.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3655 of this title.

§ 3664. Applicability of certain laws

This chapter does not affect the applicability of—

(1) the provisions of title 5 which relate to preference eligibles;

(2) the provisions of title 5 which relate to removal or suspension from the competitive service; and

(3) the provisions of section 5544(a) of title 5 which relate to wage-board overtime and Sunday rates, with respect to classes of employees who were covered by those provisions on September 27, 1979.

(Pub. L. 96-70, title I, § 1224, Sept. 27, 1979, 93 Stat. 467.)

§ 3665. Minimum level of pay; minimum annual increase

(1) Effective October 1, 1979, each individual employed by an Executive agency or the Smithsonian Institution, whose permanent duty station is located within an area or installation in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, shall be paid basic pay at a rate of not less than $2.90 an hour.

(2) Effective on October 1 of each succeeding calendar year, the rate of basic pay for each individual referred to in paragraph (1) of this section whose basic pay is not fixed in relation to rates of basic pay for the same or similar work performed in the United States shall be increased by an amount equal to not less than 2 percent of the rate of basic pay for that individual in effect immediately before that date.

(Pub. L. 96-70, title I, § 1225(b), Sept. 27, 1979, 93 Stat. 468.)

SUBPART III—CONDITIONS OF EMPLOYMENT AND PLACEMENT

§ 3671. Transferred or reemployed employees

(a) Terms and conditions of employment

(1) With respect to any individual employed in the Panama Canal Company or the Canal Zone Government—

(A) who is transferred—

(i) to a position in the Commission; or

(ii) to a position in an Executive agency or in the Smithsonian Institution the permanent duty station of which is in the Republic of Panama (including the area known before October 1, 1979, as the Canal Zone); or

(B) who is separated by reason of a reduction in force on September 30, 1979, and is appointed to a position in the Commission before April 1, 1980;

the terms and conditions of employment set forth in paragraph (2) of this subsection shall be generally no less favorable, on or after the date of the transfer referred to in subparagraph (A) of this paragraph or the date of the appointment referred to in subparagraph (B) of this paragraph, as the case may be, than the terms and conditions of employment with the Panama Canal Company and Canal Zone Government on September 30, 1979, or, in the case of a transfer described in subparagraph (A)(ii) of this paragraph which takes place before that date, on the date of the transfer.

(2) The terms and conditions of employment referred to in paragraph (1) of this subsection are the following:

(A) rates of basic pay;
(B) tropical differential;
(C) premium pay and night differential;
(D) reinstatement and restoration rights;
(E) injury and death compensation benefits;
(F) leave and travel;
(G) transportation and repatriation benefits;
(H) group health and life insurance;
(I) reduction-in-force rights;
(J) an employee grievance system, and the right to appeal adverse and disciplinary actions and position classification actions;
(K) veterans' preference eligibility;
(L) holidays;
(M) saved pay provisions; and
(N) severance pay benefits.

(3)(A) The provisions of this subsection shall take effect on September 27, 1979.

(B) No spending authority (as described in section 1351(c)(2)(C) of title 31) provided for under this subsection shall take effect before October 1, 1979.

(C) Effective October 1, 1979, any individual who, but for subparagraph (B) of this paragraph, would have been entitled to one or more payments pursuant to this subsection for periods before October 1, 1979, shall be entitled, to the extent or in such amounts as are provided in advance in appropriation Acts, to a lump sum payment equal to the total amount of all such payments.

(b) Break in service

Any individual described in subsection (a)(1)(B) of this section who would have met the service requirement for early retirement benefits under section 8336(i) or 8339(d)(2) of title 5 (as amended by sections 1241(a) and 1242 of this Act, respectively), but for a break in service of more than 3 days immediately after September 30, 1979, shall be considered to meet that requirement. Any break in service by any such individual for purposes of section 8332 of such title 5 during the period beginning September 30, 1979, and ending on the date of the appointment referred to in such subsection (a)(1)(B) of this section shall be considered a period of creditable service under such section 8332 for such individual, except that such period shall not be taken into account for purposes of determining average pay (as defined in section 8331(4) of such title 5) and no deduction, contribution, or deposit shall be required for that period under section 8334 of such title 5.

(c) Applicability of sections 903(c) and 904(a)(2) of title 20; sabbaticals

(1) Section 903(c) of title 20 shall not apply with respect to any teacher who was employed by the Canal Zone Government school system on September 30, 1979, and who was transferred from such position to a teaching position which is under the Department of Defense Overseas Dependent School System and the permanent duty station of which is in the Republic of Panama, until the rates of basic compensation established under section 903(c) of title 20 equal or exceed the rates of basic compensation then in effect for teachers who were so transferred.

(2) Section 904(a)(2) of title 20 shall not apply with respect to any teacher who was employed by the Canal Zone Government school system on September 30, 1979, and who was transferred from such position to a teaching position which is under the Department of Defense Overseas Dependent School System and the permanent duty station of which is in the Republic of Panama.

(3)(A) The head of a department or agency of the United States may grant a sabbatical to any teacher to whom paragraph (1) of this subsection applies for not to exceed 11 months in order to permit the teacher to engage in study or uncompensated work experience which is in the United States and which will contribute to the teacher's development and effectiveness. Basic compensation shall be paid to teachers on sabbatical under this section in the same manner and to the same extent as basic compensation would have been paid to teachers on sabbatical while employed in the Canal Zone Government school system on the day before October 1, 1979. A sabbatical shall not result in a loss of, or reduction in, leave to which the teacher is otherwise entitled, credit for time or service, or performance or efficiency rating. The head of the department or agency may authorize in accordance with chapter 57 of title 5 such travel expenses (including per diem allowance) as the head of the department or agency may determine to be essential for the study or experience.

(B) A sabbatical under this paragraph may not be granted to any teacher—

(i) more than once in any 10-year period;

(ii) unless the teacher has completed 7 years of service as a teacher; and

(iii) if the teacher is eligible for voluntary retirement with a right to an immediate annuity.

(C)(i) Any teacher in a department or agency of the United States may be granted a sabbatical under this paragraph only if the teacher agrees, as a condition of accepting the sabbatical, to serve in the civil service upon the completion of the sabbatical for a period of two consecutive years.

(ii) Each agreement required under clause (i) of this subparagraph shall provide that in the event the teacher fails to carry out the agreement (except for good and sufficient reason as determined by the head of the department or agency that granted the sabbatical) the teacher shall be liable to the United States for payment of all expenses (including salary) of the sabbatical. The amount shall be treated as a debt due the United States.

(Pub. L. 96–70, title I, § 1231(a)–(c), Sept. 27, 1979, 93 Stat. 468.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b), is Pub. L. 96–70.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3691 of this title; title 5 section 8348.

§ 3672. Placement

(a) Citizens separated from employment with Panama Canal Company or Canal Zone Government

Any citizen of the United States—

(1) who, on March 31, 1979, was an employee of the Panama Canal Company or the Canal Zone Government;

(2) who separates or is scheduled to separate on or after such date for any reason other than misconduct or delinquency; and

(3) who is not placed in another appropriate position in the Government of the United States in the Republic of Panama;

shall, upon the employee's request, be accorded appropriate assistance for placement in vacant positions in the Government of the United States in the United States.

(b) Citizens eliminated from employment with the Executive agency or Canal Zone Government as a result of implementation of the Panama Canal Treaty of 1977

Any citizen of the United States—

(1) who, on March 31, 1979, was employed in the Canal Zone as an employee of an Executive agency (other than the Panama Canal Company or the Canal Zone Government) or the Smithsonian Institution;

(2) whose position is eliminated as the result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; and

(3) who is not appointed to another appropriate position in the Government of the United States in the Republic of Panama;

shall, upon the employee's request, be accorded appropriate assistance for placement in vacant positions in the Government of the United States in the United States.

(c) Establishment and administration of program by Office of Personnel Management

The Office of Personnel Management shall establish and administer a Government-wide placement program for all eligible employees who request appointment to positions under this section.

(Pub. L. 96-70, title I, § 1232(a)-(c), Sept. 27, 1979, 93 Stat. 470.)

EFFECTIVE DATE

Section 1232(d) of Pub. L. 96-70 provided that: "The provisions of this section [enacting this section] shall take effect on the date of the enactment of this Act [Sept. 27, 1979]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3691 of this title.

SUBPART IV—RETIREMENT

§ 3681. Retirement under special treaty provisions

(a) Purchase of retirement equity; individuals entitled to participate

(1) Subject to subsection (b) of this section, and under such regulations as the President may prescribe, the Secretary of the Treasury shall pay to the Social Security System of the Republic of Panama, out of funds deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund under section 8334(a)(2) of title 5, such sums of money as may be necessary to aid in the purchase of a retirement equity in such System for each individual who—

(A) meets the requirements of paragraph (2) of this subsection;

(B) is separated from employment in the Panama Canal Company, the Canal Zone Government, or the Commission by reason of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; and

(C) becomes employed in a position covered by the Social Security System of the Republic of Panama through the transfer of a function or activity to the Republic of Panama from the United States or through a job placement assistance program.

(2) This subsection applies with respect to any individual only if the individual—

(A) has been credited with at least 5 years of civilian service under section 8332 of title 5, relating to creditable service for purposes of civil service retirement;

(B) is not eligible for an immediate retirement annuity under chapter 83 of title 5, relating to civil service retirement, and elects not to receive a deferred annuity under that chapter based on any portion of that service, and

(C) elects to withdraw from the Civil Service Retirement and Disability Fund the individual's entire lump-sum credit (as defined in section 8331(8) of title 5) and to transfer that amount to the Social Security System of the Republic of Panama pursuant to the special regime referred to in paragraph 3 of Article VIII of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

(b) Limitation on amount paid to Social Security System of the Republic of Panama

The amount paid to the Social Security System of the Republic of Panama with respect to any individual under subsection (a) of this section shall not exceed the individual's entire lump-sum credit (as so defined).

(c) Purchase of nontransferable deferred annuity; employees entitled to participate

(1) Pursuant to paragraph 2(b) of Annex C to the Agreement in Implementation of Article IV of the Panama Canal Treaty of 1977, the President, or the President's designee, shall purchase from a source determined by the President to be appropriate, in accordance with such regulations as the President or the President's designee may prescribe, and to such extent or in such amounts as may be provided in advance in appropriation Acts, a nontransferable deferred annuity for the benefit of each employee of an agency or instrumentality of the Government of the United States in the Republic of Panama—

(A) who is not a citizen of the United States;

(B) who was employed on October 1, 1979, and during any period before that date by an agency or instrumentality of the Government of the United States at any permanent duty station in the Republic of Panama (including, with respect to employment before that date, the area then known as the Canal Zone);

(C) who, for any period of service with such agency or instrumentality before October 1, 1979, at any such permanent duty station was not covered, by reason of that service, by the United States Civil Service Retirement system or any other Federal retirement system providing benefits similar to those retirement benefits provided by the Social Security System of the Republic of Panama; and

(D) who, on October 1, 1979, is under a Federal retirement system and, on or before that date, has accrued in one or more agencies or instrumentalities of the United States a total of 5 years or more of service which—

(i) is creditable toward any Federal retirement system as in effect on October 1, 1979;

(ii) would have been creditable toward any such retirement system if the retirement system were in effect at the time of the service accrued by the employee; or

(iii) consists of any combination of service described in clauses (i) and (ii) of this subparagraph.

(2) The retirement annuity referred to in paragraph (1) of this subsection with respect to any employee will cover retroactivity,[1] from October 1, 1979, all periods of service, described in subparagraph (D) of that paragraph, by that

[1] So in original. Probably should be "retroactively".

employee at any permanent duty station in the Republic of Panama (including the area known before that date as the Canal Zone) in agencies and instrumentalities of the Government of the United States during which that employee was not covered by the United States Civil Service Retirement System or any other Federal retirement system providing benefits similar to those retirement benefits provided by the Social Security System of the Republic of Panama.

(Pub. L. 96-70, title I, § 1243, Sept. 27, 1979, 93 Stat. 473.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 8348.

§ 3682. Cash relief to certain former employees

(a) Continuation of cash relief payments to employees under Act of July 8, 1937

The Commission, under the regulations prescribed by the President pursuant to the Act entitled "An Act authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act", approved July 8, 1937, as amended (50 Stat. 478; 68 Stat. 17), may continue the payments of cash relief to those individual former employees of the Canal Zone Government or Panama Canal Company or their predecessor agencies not coming within the scope of the former Canal Zone Retirement Act whose services were terminated prior to October 5, 1958, because of unfitness for further useful service by reason of mental or physical disability resulting from age or disease. Subject to subsection (b) of this section, that cash relief may not exceed $1.50 per month for each year of service of the employees so furnished relief, with a maximum of $45 per month, plus the amount of any cost-of-living increases in such cash relief granted before October 1, 1979, pursuant to section 181 of title 2 of the Canal Zone Code (as in effect on September 30, 1979), nor be paid to any employee who, at the time of termination for disability prior to October 5, 1958, had less than 10 years' service with the Canal Zone Government, the Panama Canal Company, or their predecessor agencies on the Isthmus of Panama.

(b) Additional amounts for relief under subsec. (a)

An additional amount of $20 per month shall be paid to each person who receives payment of cash relief under subsection (a) of this section and shall be allowed without regard to the limitations contained therein.

(c) Increases in cash relief payments

Each cash relief payment made pursuant to this section shall be increased on the same effective date and by the same percent, adjusted to the nearest dollar, as civil service retirement annuities are increased under the cost-of-living adjustment provisions of section 8340(b) of title 5. Such increase shall apply only to cash relief payments made after October 1, 1979, as increased by annuity increases made after that date under such section 8340(b) of title 5.

(d) Cash relief payments to widows

The Commission may pay cash relief to the widow of any former employee of the Canal Zone Government or the Panama Canal Company who, until the time of his death, receives or has received cash relief under subsection (a) of this section, under section 181 of title 2 of the Canal Zone Code (as in effect on September 30, 1979), or under the Act of July 8, 1937, referred to in such subsection (a) of this section. The term "widow" as used in this subsection includes only the following:

(1) a woman legally married to such employee at the time of his termination for disability and at his death;

(2) a woman who, although not legally married to such former employee at the time of his termination, had resided continuously with him for at least five years immediately preceding the employee's termination under such circumstances as would at common law make the relationship a valid marriage and who continued to reside with him until his death; and

(3) a woman who has not remarried or assumed a common-law relationship with any other person.

Cash relief granted to such a widow shall not at any time exceed 50 percent of the rate at which cash relief, inclusive of any additional payment under subsection (b) of this section, would be payable to the former employee were he then alive.

(e) Applicability of subchapter III of chapter 83 of title 5

Subchapter III of chapter 83 of title 5 applies with respect to those individuals who were in the service of the Canal Zone Government or the Panama Canal Company on October 5, 1958, and who, except for the operation of section 13(a)(1) of the Act entitled "An Act to implement item 1 of a Memorandum of Understanding attached to the treaty of January 25, 1955, entered into by the Government of the United States of America and the Government of the Republic of Panama with respect to wage and employment practices of the Government of the United States of America in the Canal Zone", approved July 25, 1958 (72 Stat. 405), would have been within the classes of individuals subject to the Act of July 8, 1937, referred to in subsection (a) of this section.

(Pub. L. 96-70, title I, § 1245, Sept. 27, 1979, 93 Stat. 475.)

REFERENCES IN TEXT

The reference to the Act of July 8, 1937, referred to in subsecs. (a), (d), and (e), is act July 8, 1937, ch. 443, 50 Stat. 478, as amended, which was classified to section 1372 of Title 48, Territories and Insular Possessions, and is now covered by section 181 of Title 2 of the Canal Zone Code.

Section 13(a)(1) of Act July 25, 1958, referred to in subsec. (e), probably means section 13(a) of Pub. L. 85-550, July 25, 1958, 72 Stat. 405, as amended, which is set out as a note under section 8331 of Title 5, Government Organization and Employees.

§ 3683. Appliances for employees injured before September 7, 1916

Artificial limbs or other appliances may be purchased by the Commission, out of any funds appropriated to the Commission, for persons

who were injured in the service of the Isthmian Canal Commission or of the Panama Canal before September 7, 1916.

(Pub. L. 96–70, title I, § 1246, Sept. 27, 1979, 93 Stat. 476.)

SUBPART V—APPLICATION TO RELATED PERSONNEL

§ 3691. Individuals considered employees

(a) Individuals considered employees for purposes of certain sections

For the purposes of sections 3646, 3671, and 3672 of this title, including any amendment made by sections 1231, 1241, and 1242 of this Act, the United States Attorney for the District of the Canal Zone and the Assistant United States Attorneys and their clerical assistants, and the United States Marshal for the District of the Canal Zone and his deputies and clerical assistants shall be considered employees of the Commission.

(b) Individuals considered employees for certain purposes

For the purposes of this Act, including any amendment made by this Act, the Executive Director of the Canal Zone Civilian Personnel Policy Coordinating Board, the Manager, Central Examining Office, and their staffs shall be considered to have been employees of the Panama Canal Company with respect to service in those positions before October 1, 1979, and as employees of the Commission with respect to service in those positions on or after that date.

(Pub. L. 96–70, title I, § 1261(a), (b), Sept. 27, 1979, 93 Stat. 476.)

REFERENCES IN TEXT

Section 1231 of this Act, referred to in subsec. (a), amended sections 5595, 5724a, and 8102 of Title 5, Government Organization and Employees.

Section 1241 of this Act, referred to in subsec. (a), amended section 8336 of Title 5 and enacted provisions set out as notes thereunder.

Section 1242 of this Act, referred to in subsec. (a), amended section 8339 of Title 5 and enacted provisions set out as notes thereunder.

This Act, referred to in subsec. (b), is Pub. L. 96–70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

EFFECTIVE DATE

Section 1261(c) of Pub. L. 96–70 provided that: "The provisions of this section [enacting this section] shall take effect on the date of the enactment of this Act [Sept. 27, 1979]."

SUBPART VI—LABOR-MANAGEMENT RELATIONS

§ 3701. Labor-Management Relations

(a) Nothing in this chapter shall be construed to affect the applicability of chapter 71 of title 5, relating to labor-management and employee relations, with respect to the Commission or the operations of any other Executive agency conducted in that area of the Republic of Panama which, on September 30, 1979, was the Canal Zone, except that in applying those provisions—

(1) the definition of "employee" shall be applied without regard to clause (i) of section 7103(a)(2) of such title 5 which relates to nationality and citizenship; and

(2) a unit shall be considered to be appropriate notwithstanding the fact that it includes any supervisor if that supervisor's position (or type of position) was, before October 1, 1979, represented before the Panama Canal Company by a labor organization that included employees who were not supervisors.

(b) Labor-management and employee relations of the Commission, other Executive agencies, and the Smithsonian Institution, their employees, and organizations of those employees, in connection with operations conducted in that area of the Republic of Panama which, on September 30, 1979, was the Canal Zone, shall be governed and regulated solely by the applicable laws, rules, and regulations of the United States.

(Pub. L. 96–70, title I, § 1271, Sept. 27, 1979, 93 Stat. 476.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), in the original read "this Act", meaning Pub. L. 96–70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979 which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

PART 3—FUNDS AND ACCOUNTS

SUBPART I—FUNDS

§ 3711. Canal Zone Government funds

On October 1, 1979, any unexpended balances of the appropriation accounts appearing on the books of the United States Government as "Operating Expenses, Canal Zone Government (38–0116–0–1–806)" and "Capital Outlay, Canal Zone Government (38–0118–0–1–806)" shall be covered into the general fund of the Treasury, and any appropriations to which expenditures under such accounts have been chargeable before October 1, 1979, are repealed. The Commission may, to such extent or in such amounts as are provided in appropriation Acts to the Commission for such purpose, pay claims or make payments chargeable to such accounts, upon proper audit of such claims or payments. There are authorized to be appropriated to the Commission such funds as may be necessary to pay claims and make payments pursuant to this section.

(Pub. L. 96–70, title I, § 1301, Sept. 27, 1979, 93 Stat. 477.)

§ 3712. Panama Canal Commission Fund

(a) Termination of Panama Canal Company Fund; unexpended balances covered into Panama Canal Commission Fund

On October 1, 1979, the account appearing on the books of the United States Government as the "Panama Canal Company Fund (38–4060–0–3–403)" shall be terminated, and any unexpended balances under such account as of that date shall be covered into the Treasury in an ac-

count to be known as the "Panama Canal Commission Fund".

(b) Tolls and other receipts deposited into Panama Canal Commission Fund

On or after October 1, 1979, tolls for the use of the Panama Canal and all other receipts of the Commission that, before October 1, 1979, would have been credited to the account appearing on the books of the Governments as the "Panama Canal Company Fund (38-4060-0-3-403)" shall be deposited in the Treasury in the Panama Canal Commission Fund.

(c) Restriction on use of funds

(1) No funds may be appropriated to or for the use of the Commission, nor may any funds be obligated or expended by the Commission for any fiscal year, unless such appropriation, obligation, or expenditure has been specifically authorized by law.

(2) No funds may be appropriated to or for the use of the Commission for any fiscal year in excess of (A) the amount of revenues deposited in the Panama Canal Commission Fund during such fiscal year, as such amount is estimated by the Secretary of Defense and certified by the Comptroller General of the United States at the time the budget request for the Commission for such fiscal year is submitted to the Congress, plus (B) the amount of revenues deposited in such Fund prior to such fiscal year and remaining unexpended at the beginning of such fiscal year. Not later than thirty days after the end of such fiscal year, the Secretary of the Treasury shall report to the Congress the actual amount of revenues deposited in the Panama Canal Commission Fund during such fiscal year.

(d) Authority of Commission to enter into contracts

The Commission may, to such extent or in such amounts as are provided in advance in appropriation Acts, enter into contracts in order to carry out its functions.

(e) Costs of implementation

(1) It is the sense of the Congress that the additional costs resulting from implementation of the Panama Canal Treaty of 1977 and related agreements should be kept to the absolute minimum level. To this end, the Congress declares that the direct appropriated costs of implementation to be borne by the taxpayers over the life of such Treaty should be kept to a level no greater than the March 1979 estimate of those costs ($870,700,000) presented to the Congress by the executive branch during consideration of this chapter by the Congress, less personnel retirement costs of $205,000,000, which were subtracted and charged to tolls, therefore resulting in the net taxpayer cost of approximately $665,700,000, plus appropriate adjustment for inflation.

(2) It is further the sense of the Congress that the actual costs of implementation be consistent with the obligations of the United States to operate the Panama Canal safely and efficiently and keep it secure.

(Pub. L. 96-70, title I, § 1302, Sept. 27, 1979, 93 Stat. 477.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(1), in the original read "this Act", meaning Pub. L. 96-70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979 which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3751, 3793 of this title.

§ 3713. Panama Canal Emergency Fund

(a) On October 1, 1979, the Secretary of the Treasury shall establish and thereafter shall maintain in the Treasury a fund to be known as the "Panama Canal Emergency Fund". There are authorized to be appropriated for deposit in such Fund (1) for the fiscal year beginning on October 1, 1979, $40,000,000, and (2) for any fiscal year beginning on or after October 1, 1980, such additional sums as may be specifically authorized by law for such fiscal year.

(b) The Commission may make withdrawals from the Panama Canal Emergency Fund by check in order to defray emergency expenses and to insure the continuous, efficient, and safe operation of the Panama Canal, if funds appropriated for the operation and maintenance of the Canal are insufficient for such purposes. Any withdrawal from such Fund to cover increased costs attributable to unprogrammed increases in traffic may not be made in amounts greater than the revenues from such increased traffic. Such Fund shall not be available for payments to Panama under Article XIII of the Panama Canal Treaty of 1977. Any withdrawal from such fund or expenditure made under this subsection shall be reported forthwith by the Commission to the Congress and to the Office of Management and Budget.

(Pub. L. 96-70, title I, § 1303, Sept. 27, 1979, 93 Stat. 478.)

SUBPART II—ACCOUNTING POLICIES AND AUDITS

§ 3721. Accounting policies

(a) The Commission shall establish and maintain its accounts pursuant to the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.) and the provisions of this part. Such accounts shall specify all revenues received by the Commission, including tolls for the use of the Panama Canal, expenditures for capital replacement, expansion, and improvement, and all costs of maintenance and operation of the Panama Canal and of its complementary works, installations, and equipment, including depreciation, payments to the Republic of Panama under the Panama Canal Treaty of 1977, and interest on the investment of the United States calculated in accordance with section 3793 of this title.

(b) The Commission may issue regulations establishing the basis of accounting for the assets which are made available for the use of the Commission. Such regulations may provide for depreciation of the net replacement value of the assets which will ultimately require replacement to maintain the service capacity of the

Panama Canal. Such regulations may also provide that depreciation of such assets be recorded ratably over their service lives.

(Pub. L. 96-70, title I, § 1311, Sept. 27, 1979, 93 Stat. 479.)

REFERENCES IN TEXT

The Accounting and Auditing Act of 1950, referred to in subsec. (a), is act Sept. 12, 1950, ch. 946, title I, part II, 64 Stat. 834, as amended, which is classified generally to chapter 1A (§ 65 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title note set out under section 65 of Title 31 and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3723, 3751, 3793 of this title.

§ 3722. Annual report to President and Congress

The Commission shall, not later than January 31 of each year, submit to the President and the Congress a financial statement and a complete report with respect to the maintenance and operation of the Panama Canal during the preceding fiscal year.

(Pub. L. 96-70, title I, § 1312, Sept. 27, 1979, 93 Stat. 479.)

§ 3723. Audit by Comptroller General of the United States

(a) Financial transactions of Commission; access to books, accounts, etc.

Financial transactions of the Commission shall be audited by the Comptroller General of the United States (hereinafter in this chapter referred to as the "Comptroller General") pursuant to the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.). In conducting any audit pursuant to such Act, the appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission and necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. An audit pursuant to such Act shall first be conducted with respect to the fiscal year in which this chapter becomes effective.

(b) Annual report to Congress; contents

The Comptroller General shall, not later than six months after the end of each fiscal year, submit to the Congress a report of the audit conducted pursuant to subsection (a) of this section with respect to such fiscal year. Such report shall set forth the scope of the audit and shall include—

(1) a statement of assets and liabilities, capital, and surplus or deficit, based on the accounts of the Commission established pursuant to this part,

(2) a statement of income and expenses,

(3) a statement of sources and application of funds,

(4) a statement listing all direct and indirect costs incurred by the United States in implementing the Panama Canal Treaty of 1977, including the cost of property transferred to the Republic of Panama during each fiscal year, and

(5) such comments and information as the Comptroller General considers necessary to keep the Congress informed of the operations and financial transactions of the Commission, together with such recommendations with respect to such operations and transactions as the Comptroller General considers advisable.

The report shall identify specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit which, in the opinion of the Comptroller General, has been carried out or made and has not been authorized by law. The Comptroller General shall submit a copy of each such report to the President, the Secretary of the Treasury, and the Commission.

(c) Consideration of conversion problems respecting accounting system of Panama Canal Company

In conducting the audits and preparing the reports provided for in this section and in carrying out his other responsibilities pursuant to law, the Comptroller General shall, with respect to fiscal year 1980, take into account the problems inherent in converting the existing accounting system of the Panama Canal Company to conform to the requirements established in section 3721 of this title. Accordingly, the Comptroller General shall take no adverse action with respect to the Commission, nor shall any violation of section 665 of title 31 be considered to have taken place, so long as the Commission is in substantial compliance with the requirements of this chapter. The Comptroller General shall make such recommendations to the Commission and to the Congress as he may consider appropriate to insure that full compliance with the financial controls provided for in the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.) is achieved promptly.

(Pub. L. 96-70, title I, § 1313, Sept. 27, 1979, 93 Stat. 479.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), in the original read "this Act", meaning Pub. L. 96-70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979 which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

The Accounting and Auditing Act of 1950, referred to in subsecs. (a) and (c), is act Sept. 12, 1950, ch. 946, title I, part II, 64 Stat. 834, as amended, which is classified generally to chapter 1A (§ 65 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title note set out under section 65 of Title 31 and Tables.

SUBPART III—INTERAGENCY ACCOUNTS

§ 3731. Reimbursements

(a) Reimbursement of the Employees' Compensation Fund, Bureau of Employees' Compensation, Department of Labor, and other Government departments and agencies by Commission

The Commission shall reimburse the Employees' Compensation Fund, Bureau of Employee's

Compensation, Department of Labor, for the benefit payments to the Commission's employees, and shall also reimburse other Government departments and agencies for payments of a similar nature made on its behalf.

(b) Reimbursement of Commission by Department of Defense

The Department of Defense shall reimburse the Commission for amounts expended by the Commission in maintaining defense facilities in standby condition for the Department of Defense.

(c) Designation of funds of Department of Defense or any other department or agency of United States to carry out purposes of this subsection

Notwithstanding any other provision of law, funds appropriated (for any fiscal year beginning after September 30, 1979) to or for the use of the Department of Defense, or to any other department or agency of the United States as may be designated by the President to carry out the purposes of this subsection, shall be available for—

(1) conducting the educational and health care activities, including kindergartens and college, carried out by the Canal Zone Government and the Panama Canal Company before October 1, 1979, and

(2) providing the services related thereto to the categories of persons to which such services were provided before such effective date.

Notwithstanding any other provision of law, the Department of Defense, or any department or agency designated by the President to provide health care services to those categories of persons referred to in this subsection, shall provide such services to such categories of persons on a basis no less favorable than that applied to its own employees and their dependents.

(d) Reimbursement to departments or agencies furnishing services

Amounts expended for furnishing services referred to in subsection (c) of this section to persons eligible to receive them, less amounts payable by such persons, shall be fully reimbursable to the department or agency furnishing the services, except to the extent that such expenditures are the responsibility of that department or agency. The appropriations or funds of the Commission shall be available for such reimbursements on behalf of—

(1) employees of the Commission, and

(2) other persons authorized to receive such services who are eligible to receive them pursuant to the Panama Canal Treaty of 1977 and related agreements.

The appropriations or funds of any other department or agency of the United States conducting operations in the Republic of Panama, including the Smithsonian Institution, shall be available for reimbursements on behalf of employees of such department or agency and their dependents.

(e) Availability of funds to defray certain costs

The appropriations or funds of the Commission, or of any other department or agency of the United States conducting operations in the Republic of Panama, shall be available, in accordance with subsection (d) of this section, to defray the cost of—

(1) health care services to elderly or disabled persons who were eligible to receive such services before October 1, 1979, less amounts payable by such persons, and

(2) educational services provided by schools in the Republic of Panama, which are not operated by the United States, to persons who were receiving such services at the expense of the Canal Zone Government before October 1, 1979.

(f) Reimbursement of United States by Republic of Panama for salaries and other employment costs

For purposes of the reimbursement of the United States by the Republic of Panama for the salaries and other employment costs of employees of the Commission who are assigned to assist the Republic of Panama in the operation of activities which are transferred to that Government as a result of any provision of the Panama Canal Treaty of 1977 and related agreements, which reimbursement is provided for in paragraph 8 of Article 10 of that Treaty, the Commission shall be deemed to be the United States of America.

(g) Operation of Canal Zone College

Notwithstanding any other provision of law, the President, through the appropriate department or agency of the United States, shall, until January 1, 2000, operate the educational institution known as the "Canal Zone College". Such institution shall continue to provide, insofar as practicable, the level of services which it offered immediately before October 1, 1979.

(Pub. L. 96-70, title I, § 1321, Sept. 27, 1979, 93 Stat. 480.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3751 of this title.

SUBPART IV—POSTAL MATTERS

§ 3741. Postal service

(a) Discontinuation of postal service

The postal service established and governed by chapter 73 of title 2 of the Canal Zone Code shall be discontinued on October 1, 1979.

(b) Savings provision

The provisions of chapter 73 of such title 2 relating to postal-savings deposits, postal-savings certificates, postal money orders, and the accounting for funds shall continue to apply for the purpose of meeting the obligations of the United States concerning outstanding postal savings and money orders and disposition of funds.

(c) Possession or administration of funds by Commission

The Commission shall take possession of and administer the funds of the postal service referred to in subsection (a) of this section and shall assume its obligations. The Commission and the United States Postal Service may enter into agreements for the transfer of funds or property and the assumption of administrative

rights or responsibilities with respect to the outstanding obligations of the postal service referred to in subsection (a) of this section. Any transfer or assumption (including any agreement for such transfer or assumption) pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(d) Mail addressed to Canal Zone from or through United States

Mail addressed to the Canal Zone from or through the continental United States may be routed by the United States Postal Service to the military post offices of the United States Forces in the Republic of Panama. Such military post offices shall provide the required directory services and shall accept such mail to the extent permitted under the Panama Canal Treaty of 1977 and related agreements. The Commission shall furnish personnel, records, and other services to such military post offices to assure wherever appropriate the distribution, rerouting, or return of such mail.

(Pub. L. 96–70, title I, § 1331(a)–(d), Sept. 27, 1979, 93 Stat. 481.)

SUBPART V—ACCOUNTS WITH REPUBLIC OF PANAMA

§ 3751. Payments to Republic of Panama

(a) Payments required under Panama Canal Treaty; annual audit

The Commission shall pay to the Republic of Panama those payments required under paragraph 5 of Article III and paragraph 4 of Article XIII of the Panama Canal Treaty of 1977. Payments made under paragraph 5 of Article III of such Treaty shall be audited annually by the Comptroller General and any overpayment, as determined in accordance with Understanding (1) incorporated in the Resolution of Ratification of the Panama Canal Treaty (adopted by the United States Senate on April 18, 1978), for the services described in that paragraph which are provided shall be refunded by the Republic of Panama or set off against amounts payable by the United States to the Republic of Panama under paragraph 5 of Article III of the Panama Canal Treaty of 1977.

(b) Excess operating revenues

In determining whether operating revenues exceed expenditures for the purpose of payments to the Republic of Panama under paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977, such operating revenues in a fiscal period shall be reduced by (1) all costs of such period as shown by the accounts established pursuant to section 3721 of this title, and (2) the cumulative sum from prior years (beginning with the year in which the Panama Canal Treaty of 1977 enters into force) of any excess of costs of the Panama Canal Commission over operating revenues.

(c) Retroactive taxation

The President shall not accede to any interpretation of paragraph 1 of Article IX of the Panama Canal Treaty of 1977 which would permit the Republic of Panama to tax retroactively organizations and businesses operating, and citizens of the United States living, in the Canal Zone before October 1, 1979.

(d) Accumulated unpaid balances

Any accumulated unpaid balance under paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977 at the termination of such Treaty shall be payable only to the extent of any operating surplus in the last year of the Treaty's duration, and nothing in such paragraph may be construed as obligating the United States to pay after the date of the termination of the Treaty any such unpaid balance which has accrued before such date.

(e) Toll rates; payment of costs of operation and maintenance of canal with unexpended funds

As provided in section 3792(b) of this title, tolls shall not be prescribed at rates calculated to cover payments to the Republic of Panama pursuant to paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977. Moreover, no payments may be made to the Republic of Panama under paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977 unless unexpended funds are used to pay all costs of operation and maintenance of the canal, including but not limited to (1) operating expenses determined in accordance with generally accepted accounting principles, (2) payments to the Republic of Panama under paragraphs 4(a) and 4(b) of such Article XIII and under paragraph (5) of Article III of such Treaty, (3) amounts in excess of depreciation and amortization which are programed for plant replacement, expansion, and improvements, (4) payments to the Treasury of the United States under section 3793 of this title, (5) reimbursement to the Treasury of the United States for costs incurred by other departments and agencies of the United States in providing educational, health, and other services to the Commission, its employees and their dependents, and other categories of persons in accordance with section 3731 of this title, and (6) any costs of Treaty implementation associated with the maintenance and operation of the Panama Canal.

(f) Prohibitions

The prohibitions contained in this section and in sections 3712(c) and 3783 of this title shall apply notwithstanding any other provision of law authorizing transfers of funds between accounts, reprograming of funds, use of funds for contingency purposes, or waivers of prohibitions.

(Pub. L. 96–70, title I, § 1341, Sept. 27, 1979, 93 Stat. 482.)

§ 3752. Transactions with Republic of Panama

The Commission may, on a reimbursable basis, provide to the Republic of Panama materials, supplies, equipment, work, or services, including water and electric power, requested by the Republic of Panama, at such rates as may be agreed upon by the Commission and the Republic of Panama. Payment for such materials, supplies, equipment, work, or services may be made by direct payment by the Republic of Panama to the Commission or by offset against amounts due the Republic of Panama by the United States.

(Pub. L. 96-70, title I, § 1342, Sept. 27, 1979, 93 Stat. 483.)

§ 3753. Disaster relief

If an emergency arises because of disaster or calamity by flood, hurricane, earthquake, fire, pestilence, or like cause, not foreseen or otherwise provided for, and occurring in the Republic of Panama in such circumstances as to constitute an actual or potential hazard to health, safety, security, or property in the areas and installations made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, the Commission may expend available funds appropriated to the Commission for such purpose, and utilize or furnish materials, supplies, equipment, and services for relief, assistance, and protection.

(Pub. L. 96-70, title I, § 1343, Sept. 27, 1979, 93 Stat. 483.)

§ 3754. Congressional restraints on property transfers and tax expenditures

(a) The Congress enacts this section in the exercise of its authority under Article IV, section 3, clause 2 of the Constitution of the United States to dispose of and make necessary rules and regulations with respect to property of the United States.

(b) Prior to the transfer of property of the United States located in the Republic of Panama to the Republic of Panama pursuant to section 3784 of this title the President shall formally advise the Government of Panama that—

(1) in fulfilling its obligations under the Panama Canal Treaty of 1977, the United States shall make no payments to the Republic of Panama derived from tax revenues of the United States;

(2) the United States retains full discretion and authority to determine whether and the extent to which tax revenues of the United States may be expended in exercising United States rights and carrying out United States responsibilities under the Panama Canal Treaty of 1977 and related agreements;

(3) no tax revenues of the United States shall be made available for obligations and expenditure after October 1, 1979, for purposes of implementing the Panama Canal Treaty of 1977 and related agreements, unless hereafter specifically approved by the Congress through the authorization and appropriation process;

(4) the total amount expended by the Commission from funds appropriated to or for the use of the Commission shall not exceed the total amount deposited in the Panama Canal Commission Fund; and

(5) the foregoing paragraphs of this subsection do not apply to expenditures made by the United States in fulfilling United States obligations to transfer the remains of our honored dead from Mount Hope Cemetery in the former Canal Zone to an appropriate and dignified resting place in accordance with Reservation 3 to the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal.

(Pub. L. 96-70, title I, § 1344, Sept. 27, 1979, 93 Stat. 484.)

PART 4—CLAIMS FOR INJURIES TO PERSONS OR PROPERTY

SUBPART I—GENERAL PROVISIONS

§ 3761. Settlement of claims generally

(a) Claims for injury to, or loss of, property or personal injury or death arising from operation of Panama Canal

Subject to the provisions of this part, the Commission may adjust and pay claims for injury to, or loss of, property or for personal injury or death, arising from the operation of the Panama Canal or related facilities and appurtenances.

(b) Limitation on amount of claims

No claim for an amount exceeding $50,000 shall be adjusted and paid by the Commission under the provisions of this subpart.

(c) Source of award; release

An award made to a claimant under this section shall be payable out of any moneys appropriated for or made available to the Commission. The acceptance by the claimant of the award shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of his claim against the United States and against any employee of the United States acting in the course of his employment who is involved in the matter giving rise to the claim.

(d) Action for damages on claims cognizable under this part; action against officers or employees of United States for injuries resulting from acts outside scope of their employment

Except as provided in section 3776 of this title, no action for damages on claims cognizable under this part shall lie against the United States or the Commission, and no such action shall lie against any officer or employee of the United States. Neither this section nor section 3776 of this title shall preclude actions against officers or employees of the United States for injuries resulting from their acts outside the scope of their employment or not in the line of their duties, or from their acts committed with the intent to injure the person or property of another.

(e) Applicability of provisions of section 1346 and chapter 171 of title 28

The provisions of section 1346(b) of title 28 and the provisions of chapter 171 of such title shall not apply to claims cognizable under this part.

(Pub. L. 96-70, title I, § 1401, Sept. 27, 1979, 93 Stat. 484.)

SUBPART II—VESSEL DAMAGE

§ 3771. Injuries in locks of canal

The Commission shall promptly adjust and pay damages for injuries to vessels, or to the cargo, crew, or passengers of vessels, which may arise by reason of their passage through the locks of the Panama Canal under the control of

officers or employees of the United States. Damages may not be paid where the injury was proximately caused by the negligence or fault of the vessel, master, crew, or passengers. If the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, the award of damages shall be diminished in proportion to the negligence or fault attributable to the vessel, master, crew, or passengers. Damages may not be allowed and paid for injuries to any protrusion beyond any portion of the hull of a vessel, whether it is permanent or temporary in character. A vessel is considered to be passing through the locks of the Canal, under the control of officers or employees of the United States, from the time the first towing line is made fast on board before entrance into the locks and until the towing lines are cast off upon, or immediately prior to, departure from the lock chamber.

(Pub. L. 96–70, title I, § 1411, Sept. 27, 1979, 93 Stat. 485.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3776 of this title.

§ 3772. Injuries outside locks

The Commission shall promptly adjust and pay damages for injuries to vessels, or to the cargo, crew, or passengers of vessels which may arise by reason of their presence in the Panama Canal, or waters adjacent thereto, other than the locks, when the injury was proximately caused by negligence or fault on the part of an officer or employee of the United States acting within the scope of his employment and in the line of his duties in connection with the operation of the Canal, and when the amount of the claim does not exceed $120,000. If the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, the award of damages shall be diminished in proportion to the negligence or fault attributable to the vessel, master, crew, or passengers. In the case of a vessel which is required by or pursuant to regulations prescribed pursuant to section 3811 of this title to have a Panama Canal pilot on duty aboard, damages may not be adjusted and paid for injuries to the vessel, or its cargo, crew, or passengers, incurred while the vessel was underway and in motion, unless at the time the injuries were incurred the navigation or movement of the vessel was under the control of a Panama Canal pilot.

(Pub. L. 96–70, title I, § 1412, Sept. 27, 1979, 93 Stat. 485.)

§ 3773. Measure of damages generally

In determining the amount of the award of damages for injuries to a vessel for which the Commission is determined to be liable, there may be included—

(1) the actual or estimated cost of repairs;

(2) charter hire actually lost by the owners, or charter hire actually paid, depending upon the terms of the charter party, for the time the vessel is undergoing repairs;

(3) maintenance of the vessel and wages of the crew, if they are found to be actual additional expenses or losses incurred outside of the charter hire; and

(4) other expenses which are definitely and accurately shown to have been incurred necessarily and by reason of the accident or injuries.

Agent's fees, or commissions, or other incidental expenses of similar character, or any items which are indefinite, indeterminable, speculative, or conjectural may not be allowed. The Commission shall be furnished such vouchers, receipts, or other evidence as may be necessary in support of any item of a claim. If a vessel is not operated under charter but by the owner directly, evidence shall be secured if available as to the sum for which vessels of the same size and class can be chartered in the market. If the charter value cannot be determined, the value of the vessel to its owners in the business in which it was engaged at the time of the injuries shall be used as a basis for estimating the damages for the vessel's detention; and the books of the owners showing the vessel's earnings about the time of the accident or injuries shall be considered as evidence of probable earnings during the time of detention. If the books are unavailable, such other evidence shall be furnished as may be necessary.

(Pub. L. 96–70, title I, § 1413, Sept. 27, 1979, 93 Stat. 486.)

§ 3774. Delays for which no responsibility is assumed

The Commission is not responsible, and may not consider any claim, for demurrage or delays caused by—

(1) landslides or other natural causes;

(2) necessary construction or maintenance work on Canal locks, terminals, or equipment;

(3) obstruction arising from accidents;

(4) time necessary for admeasurement;

(5) congestion of traffic;

(6) time necessary for investigation of marine accidents; or

(7) except as specially set forth in this subpart, any other cause.

(Pub. L. 96–70, title I, § 1414, Sept. 27, 1979, 93 Stat. 486.)

§ 3775. Settlement of claims

(a) Subject to subsection (b) of this section, the Commission, by mutual agreement, compromise, or otherwise, may adjust and determine the amounts of the respective awards of damages pursuant to this subpart. Such amounts shall be payable promptly out of any moneys appropriated or allotted for the maintenance and operation of the Panama Canal. Acceptance by a claimant of the amount awarded to him shall be deemed to be in full settlement of such claim against the Government of the United States.

(b) The Commission shall not adjust and pay any claim for damages for injuries arising by reason of the presence of the vessel in the Panama Canal or adjacent waters outside the locks where the amount of the claim exceeds $120,000 but shall submit the claim to the Congress in a special report containing the material facts and the recommendation of the Commission thereon.

(Pub. L. 96-70, title I, § 1415, Sept. 27, 1979, 93 Stat. 486.)

§ 3776. Actions on claims

A claimant for damages pursuant to section 3771 of this title who considers himself aggrieved by the findings, determination, or award of the Commission in reference to his claim may bring an action on the claim against the Commission in the United States District Court for the Eastern District of Louisiana. Subject to the provisions of this part and of applicable regulations issued pursuant to section 3811 of this title relative to navigation of the Panama Canal and adjacent waters, such actions shall proceed and be heard by the court without a jury according to the principles of law and rules of practice obtaining generally in like cases between a private party and a department or agency of the United States. Any judgment obtained against the Commission in an action under this subpart shall be paid out of any moneys appropriated or allotted for the maintenance and operation of the Panama Canal. An action for damages cognizable under this section shall not otherwise lie against the United States or the Commission, nor in any other court, than as provided in this section; nor may it lie against any officer or employee of the United States or of the Commission.

(Pub. L. 96-70, title I, § 1416, Sept. 27, 1979, 93 Stat. 487.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3761 of this title.

§ 3777. Investigation of accident or injury giving rise to claim

Notwithstanding any other provision of law, a claim may not be considered under this subpart, or an action for damages lie thereon, unless, prior to the departure from the Panama Canal of the vessel involved—

(1) an investigation by the competent authorities of the accident or injury giving rise to the claim has been completed; and

(2) the basis for the claim has been laid before the Commission.

(Pub. L. 96-70, title I, § 1417, Sept. 27, 1979, 93 Stat. 487.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3778 of this title.

§ 3778. Board of local inspectors

(a) The President shall provide for the establishment of a Board of Local Inspectors of the Panama Canal Commission which shall perform, in accordance with regulations prescribed by the President—

(1) the investigations required by section 3777 of this title; and

(2) such other duties with respect to marine matters as may be assigned by the President.

(b) In conducting any investigation pursuant to subsection (a) of this section, the Board of Local Inspectors established pursuant to such subsection may summon witnesses, administer oaths, and require the production of books and papers necessary for such investigation.

(Pub. L. 96-70, title I, § 1418, Sept. 27, 1979, 93 Stat. 487.)

PART 5—PUBLIC PROPERTY

§ 3781. Assets and liabilities of Panama Canal Company

All property and other assets of the Panama Canal Company shall revert to the United States on October 1, 1979, and, except as otherwise provided by law, the United States shall assume the liabilities, including contractual obligations, of the Panama Canal Company then outstanding. The Commission may use such property, facilities, and records of the Panama Canal Company as are necessary to carry out its functions.

(Pub. L. 96-70, title I, § 1501, Sept. 27, 1979, 93 Stat. 487.)

§ 3782. Transfers and cross-servicing between agencies

(a) Transfers of facilities, buildings, structures, improvements, stocks and equipment located in the Republic of Panama

In the interest of economy and maximum efficiency in the utilization of property and facilities of the United States, there are authorized to be transferred between departments and agencies of the United States, with or without reimbursement, such facilities, buildings, structures, improvements, stock, and equipment located in the Republic of Panama, and used for their activities therein, as may be mutually agreed upon by the departments and agencies involved and approved by the President of the United States or his designee.

(b) Cross-servicing agreements

The Commission may enter into cross-servicing agreements with any other department or agency of the United States for the use of facilities, furnishing of services, or performance of functions.

(c) Transfer of records to Government of Republic of Panama

The Commission, any department or agency of the United States, or any United States court in the Republic of Panama is authorized to transfer to the Government of the Republic of Panama any record of such Commission, department, agency, or court, or copy thereof, including any record acquired from the Canal Zone Government or Panama Canal Company (including any vital statistics record), to any other department, agency, or court of the United States if such action is determined by the Commission, the head of the department or agency concerned, or the judge of the court concerned to be in the interest of the United States. Transfer of any record or copy thereof under this section to the Government of the Republic of Panama shall be made under the coordination of and with the approval of the United States Ambassador to the Republic of Panama.

(d) Applicability to Smithsonian Institution

The provisions of this section shall apply to the Smithsonian Institution.

(Pub. L. 96-70, title I, § 1502, Sept. 27, 1979, 93 Stat. 488.)

§ 3783. Disposition of property of United States

No property of the United States located in the Republic of Panama may be disposed of except pursuant to law enacted by the Congress.

(Pub. L. 96-70, title I, § 1503, Sept. 27, 1979, 93 Stat. 488.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3751 of this title.

§ 3784. Transfer of property to Republic of Panama

(a) Conveyance of Panama Railroad

(1) On October 1, 1979, the Secretary of State may convey to the Republic of Panama the Panama Railroad and such property located in the area which, immediately before such date, comprised the Canal Zone and which is not within the land and water areas the use of which is made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements.

(2) Property transferred pursuant to paragraph (1) of this subsection may not include buildings and other facilities, except housing, located outside such areas, the use of which is retained by the United States pursuant to the Panama Canal Treaty of 1977 and related agreements.

(b) Transfer of certain property pursuant to Panama Canal Treaty of 1977; report to Congress

With respect to the transfer of all other property (not described in subsection (a)(1) of this section) to be transferred in accordance with the terms of the Panama Canal Treaty of 1977 and related agreements, the Secretary of State may convey such property from time to time in accordance with the terms of such Treaty and related agreements. At least 180 days before the transfer of any such property, the President must submit a written report to the Congress—

(1) precisely identifying and describing the particular property to be transferred;

(2) certifying the state of compliance by the Republic of Panama with such Treaty and related agreements; and

(3) setting forth the reasons for the conveyance being made at the particular time.

(c) Restriction on transfer of Panama Canal and certain other property

The Panama Canal, and such other property referred to in paragraph 2(d) of Article XIII of the Panama Canal Treaty of 1977 that has not been previously transferred in accordance with paragraphs 2(a), 2(b), and 2(c) of such Article, shall not be transferred to the Republic of Panama prior to December 31, 1999.

(Pub. L. 96-70, title I, § 1504, Sept. 27, 1979, 93 Stat. 488.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3754 of this title.

PART 6—TOLLS FOR USE OF PANAMA CANAL

§ 3791. Prescription of measurement rules and rates of tolls

(a) The President is authorized, subject to the provisions of this part, to prescribe and from time to time change—

(1) the rules for the measurement of vessels for the Panama Canal; and

(2) the tolls that shall be levied for the use of the Canal.

(b) Such rules of measurement and tolls prevailing on October 1, 1979, shall continue in effect until changed as provided in this part.

(Pub. L. 96-70, title I, § 1601, Sept. 27, 1979, 93 Stat. 489.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3794 of this title.

§ 3792. Bases of tolls

(a) Tolls based on net vessel tons and on displacement tonnage

Tolls on merchant vessels, army and navy transports, colliers, tankers, hospital ships, supply ships, and yachts shall be based on net vessel tons of one hundred cubic feet each of actual earning capacity determined in accordance with the rules for the measurement of vessels for the Panama Canal, and tolls on other floating craft shall be based on displacement tonnage. The tolls on vessels in ballast without passengers or cargo may be less than the tolls for vessels with passengers or cargo.

(b) Toll rates prescribed to cover all costs of operation and maintenance of Panama Canal

Tolls shall be prescribed at rates calculated to produce revenues to cover as nearly as practicable all costs of maintaining and operating the Panama Canal, together with the facilities and appurtenances related thereto, including unrecovered costs incurred on or after October 1, 1979, interest, depreciation, payments to the Republic of Panama pursuant to paragraph 5 of Article III and paragraph 4(a) and (b) of Article XIII of the Panama Canal Treaty of 1977, and capital for plant replacement, expansion, and improvements. Tolls shall not be prescribed at rates calculated to produce revenues sufficient to cover payments to the Republic of Panama pursuant to paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977.

(c) Payment of tolls by vessels of United States

Vessels operated by the United States, including vessels of war and auxiliary vessels, and ocean-going training ships owned by the United States and operated by State nautical schools, shall pay tolls.

(d) Levy of tolls

The levy of tolls is subject to the provisions of section 1 of Article III of the treaty between the United States of America and Great Britain signed November 18, 1901, of Article I of the

treaty between the United States of America and the Republic of Colombia signed April 6, 1914, and of Articles II, III, and VI of the Treaty Concerning Permanent Neutrality and Operation of the Panama Canal, between the United States of America and the Republic of Panama, signed September 7, 1977.

(Pub. L. 96–70, title I, § 1602, Sept. 27, 1979, 93 Stat. 489.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3751, 3793, 3794, 3795 of this title.

§ 3793. Interest on investments

(a) Calculation of interest

For purposes of sections 3721 and 3792 of this title, interest shall be computed, at a rate determined by the Secretary of the Treasury, on the investment of the United States in the Panama Canal as shown in the accounts of the Panama Canal Company at the close of business on the day preceding October 1, 1979, and as adjusted in accordance with subsections (b) and (c) of this section. Capital investment for interest purposes shall not include any interest during construction.

(b) Increases and decreases in investment of United States

The investment of the United States described in subsection (a) of this section—

(1) shall be increased by—

(A) the amount of expenditures from appropriations to the Commission made on or after October 1, 1979, and

(B) the value of property transferred to the Commission by any other department or agency of the United States, as determined in accordance with subsection (c) of this section; and

(2) shall be decreased by—

(A) the amount of the funds covered into the Treasury pursuant to section 3712 of this title,

(B) the value of property transferred to the Republic of Panama pursuant to this chapter or any other Act on or after October 1, 1979, and

(C) the value of property transferred by the Commission to any other department or agency of the United States.

(c) Value of property transferred to Commission

The value of property transferred to the Commission by any other department or agency of the United States shall be determined by the Director of the Office of Management and Budget. In computing such value, such Director shall give due consideration to the cost and probable earning power of the transferred property, or the usable value to the Commission if clearly less than cost, and shall make adequate provisions for depreciation, obsolescence, and other determinable decreases in value. Insofar as practicable, the value of such transferred property shall exclude any portion of such value properly allocable to national defense.

(Pub. L. 96–70, title I, § 1603, Sept. 27, 1979, 93 Stat. 490.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(2)(B), in the original read "this Act", meaning Pub. L. 96–70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979 which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3721, 3751 of this title.

§ 3794. Procedures

(a) Publication of notice of proposed changes in rules of measurement and rates of tolls in Federal Register; participation by interested parties; availability of analysis

The Commission shall publish in the Federal Register notice of any proposed change in the rules of measurement or rates of tolls referred to in section 3791(a) of this title. The Commission shall give interested parties an opportunity to participate in the proceedings through submission of written data, views, or arguments, and participation in a public hearing to be held not less than 30 days after the date of publication of the notice. The notice shall include the substance of the proposed change and a statement of the time, place, and nature of the proceedings. At the time of publication of such notice, the Commission shall make available to the public an analysis showing the basis and justification for the proposed change, which, in the case of a change in rates of tolls, shall indicate the conformity of the existing and proposed rates of tolls with the requirements of section 3792 of this title, and the Commission's adherence to the requirement for full consideration of the following factors set forth in Understanding (1) incorporated in the Resolution of Ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (adopted by the United States Senate on March 16, 1978):

(1) the costs of operating and maintaining the Panama Canal;

(2) the competitive position of the use of the Canal in relation to other means of transportation;

(3) the interests of the United States and the Republic of Panama in maintaining their domestic fleets;

(4) the impact of such a change in rates of tolls on the various geographical areas of each of the two countries; and

(5) the interests of both countries in maximizing their international commerce.

(b) Revision of proposed rules of measurement or rates of tolls

After consideration of the relevant matter presented, the Commission may revise the proposed rules of measurement or rates of tolls, as the case may be, except that, in the case of rates of tolls, if such revision proposes rates greater than those originally proposed, a new analysis of the proposed rates shall be made available to the public, and a new notice of the revised proposal shall be published in the Federal Register apprising interested persons of

the opportunity to participate further in the proceedings through submission of written data, views, or arguments, and participation in a public hearing to be held not less than 30 days after the date of publication of the new notice. The procedure set forth in this subsection shall be followed for any subsequent revision of the proposed rates of tolls by the Commission which proposes rates higher than those in the preceding proposal.

(c) Publication of notice of changes in rules of measurement and rates of tolls in Federal Register

After the proceedings have been conducted pursuant to subsections (a) and (b) of this section, the Commission shall publish in the Federal Register a notice of the changes in the rules of measurement or rates of tolls, as the case may be, to be recommended to the President.

(d) Transmission of complete record of proceedings to President

Upon publication of the notice pursuant to subsection (c) of this section, the Commission shall forward a complete record of the proceedings, with the recommendation of the Commission, to the President for his consideration. The President may approve, disapprove, or modify any or all of the changes in the rules of measurement or rates of tolls recommended by the Commission.

(e) Effective date of prescribed rules of measurement and rates of tolls

Rules of measurement or rates of tolls prescribed by the President pursuant to this part shall take effect on a date prescribed by the President which is not less than 30 days after the President publishes such rules or rates in the Federal Register.

(f) Judicial review

Action to change the rules of measurement for the Panama Canal or the rates of tolls for the use of the Canal pursuant to this part shall be subject to judicial review in accordance with chapter 7 of title 5.

(Pub. L. 96-70, title I, § 1604, Sept. 27, 1979, 93 Stat. 490.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3795 of this title.

§ 3795. Interim toll adjustment

After September 27, 1979, the Panama Canal Company or the Commission may, without regard to the procedures set forth in section 3794 of this title for making changes in tolls by the Commission and the President, change the rates of tolls calculated to cover the cost of maintaining and operating the Panama Canal during the fiscal year beginning on October 1, 1979. Such rates shall be calculated in accordance with the provisions of section 3792(b) of this title. Any such change in rates of tolls shall be subject to the approval of the President whose action in the matter shall be final. Any change in rates of tolls approved by the President shall become effective on a date prescribed by the President.

(Pub. L. 96-70, title I, § 1605(a), Sept. 27, 1979, 93 Stat. 491.)

EFFECTIVE DATE

Section 1605(b) of Pub. L. 96-70 provided that: "This section [enacting this section] shall take effect on the date of the enactment of this Act [Sept. 27, 1979]."

PART 7—GENERAL REGULATIONS

§ 3801. Authority of President

The President may prescribe, and from time to time amend, regulations applicable within the areas and installations made available to the United States for the operation and protection of the Panama Canal pursuant to the Panama Canal Treaty of 1977 and related agreements concerning—

(1) the use of aircraft;

(2) the possession and use of alcoholic beverages;

(3) exclusion and removal of persons; and

(4) health and sanitation.

(Pub. L. 96-70, title I, § 1701, Sept. 27, 1979, 93 Stat. 492.)

§ 3802. Authority of Commission

The Commission may prescribe, and from time to time amend, regulations applicable within the areas and installations made available to the United States for the operation and protection of the Panama Canal pursuant to the Panama Canal Treaty of 1977 and related agreements concerning—

(1) the keeping and impounding of domestic animals;

(2) fire prevention;

(3) the sale or use of fireworks;

(4) the use of roads and highways;

(5) photographing of areas, objects, installations, or structures;

(6) swimming in the Panama Canal and adjacent waters; and

(7) the protection of wildlife, hunting, and fishing.

(Pub. L. 96-70, title I, § 1702, Sept. 27, 1979, 93 Stat. 492.)

PART 8—SHIPPING AND NAVIGATION

SUBPART I—OPERATION OF CANAL

§ 3811. Operating regulations

The President may prescribe, and from time to time amend, regulations governing—

(1) the operation of the Panama Canal;

(2) the navigation of the harbors and other waters of the Panama Canal and areas adjacent thereto, including the ports of Balboa and Cristobal;

(3) the passage and control of vessels through the Panama Canal or any part thereof, including the locks and approaches thereto;

(4) pilotage in the Panama Canal or the approaches thereto through the adjacent waters; and

(5) the licensing of officers or other operators of vessels navigating the waters of the Panama Canal and areas adjacent thereto, including the ports of Balboa and Cristobal.

(Pub. L. 96-70, title I, § 1801, Sept. 27, 1979, 93 Stat. 492.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3772, 3776 of this title.

SUBPART II—INSPECTION OF VESSELS

§ 3821. Vessels subject to inspection

With the exception of private vessels merely transiting the Panama Canal, and of public vessels of all nations, vessels navigating the waters of the Panama Canal shall be subject to an annual inspection of hulls, boilers, machinery, equipment, and passenger accommodations.

(Pub. L. 96-70, title I, § 1811, Sept. 27, 1979, 93 Stat. 492.)

§ 3822. Foreign vessels

With respect to a foreign vessel of a country which has inspection laws approximating those of the United States, any such vessel having an unexpired certificate of inspection duly issued by the authorities of such country shall not be subject to an inspection other than that necessary to determine whether the vessel, its boilers, and its lifesaving equipment are as stated in the certificate of inspection. A certificate of inspection may not be accepted as evidence of lawful inspection under this section unless similar privileges are granted to vessels of the United States under the laws of the country to which the vessel belongs.

(Pub. L. 96-70, title I, § 1812, Sept. 27, 1979, 93 Stat. 493.)

§ 3823. Regulations governing inspection

The Commission shall prescribe, and from time to time may amend, regulations concerning the inspection of vessels conforming as nearly as practicable to the laws and regulations governing marine inspection by the United States Coast Guard.

(Pub. L. 96-70, title I, § 1813, Sept. 27, 1979, 93 Stat. 493.)

SUBCHAPTER II—TREATY TRANSITION PERIOD

PART 1—LAWS CONTINUED IN FORCE

§ 3831. Laws, regulations, and administrative authority

To the extent not inconsistent with the Panama Canal Treaty of 1977 and related agreements and the provisions of this chapter, the Canal Zone Code and other laws, regulations, and administrative authority of the United States applicable in the Canal Zone immediately before October 1, 1979, shall continue in force for the purpose of the exercise by the United States of law enforcement and judicial jurisdiction during the transition period provided for in Article XI of the Panama Canal Treaty of 1977 (hereinafter in this chapter referred to as the "transition period").

(Pub. L. 96-70, title II, § 2101, Sept. 27, 1979, 93 Stat. 493.)

REFERENCES IN TEXT

This chapter, referred to in text, in the original read "this Act", meaning Pub. L. 96-70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979 which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

EX. ORD. NO. 12173. CONTINUING APPLICABILITY OF PANAMA CANAL REGULATIONS

Ex. Ord. No. 12173, Nov. 29, 1979, 44 F.R. 69271, provided:

By the authority vested in me as President of the United States of America by Section 301 of Title 3 of the United States Code, by the Panama Canal Code (76A Stat. 1), as amended, and by Public Law 96-70 (93 Stat. 452) [see Short Title note set out under section 3601 of this title], and in accordance with the rights granted to the United States of America by the Panama Canal Treaty of 1977 "to manage, operate, and maintain the Panama Canal, its complementary works, installations and equipment and to provide for the orderly transit of vessels through the Panama Canal," it is hereby ordered as follows:

1-101. All regulations that were adopted by the President or his delegates pursuant to former Title 2 of the Canal Zone Code (76A Stat. 6-50), repealed by Section 303(a)(1) [probably should be 3303(a)(1)] of Public Law 96-70, or actions taken pursuant thereto, that were in effect on September 30, 1979, and that address matters which the President is authorized to regulate pursuant to Public Law 96-70 [see Short Title note set out under section 3601 of this title], shall remain in effect unless or until amended, superseded, or otherwise terminated by the President or the Panama Canal Commission. This extension shall not apply to the extent that any such regulation or action is inconsistent with the provisions of the Panama Canal Treaty of 1977, its implementing agreements, or Public Law 96-70.

1-102. The Secretary of Defense shall exercise the powers and carry out the responsibilities vested in the President of the United States by the Panama Canal Code (76A Stat. 1), as amended, and Public Law 96-70 (93 Stat. 452), except for those powers and responsibilities vested in the President by Sections 1102(b), 1103, 1104, 1105(a), 1106(b), 1108, 1109(a), 1112(d), 1243(a)(1), 1321(c), 1344(b), 1504(b), 1601(a), 2206(b) and 3301 of Public Law 96-70 [sections 3612(b), 3613, 3614, 3615(a), 3616(b), 3618, 3619(a), 3622(d), 3681(a)(1), 3731(c), 3754(b), 3784(b), 3791(a), 3844(b) and 3871 of this title]. This delegation shall be effective for 120 days after the date of this Order.

JIMMY CARTER.

PART 2—COURTS

§ 3841. Jurisdiction

(a) During the transition period, the jurisdiction of the United States District Court for the District of the Canal Zone and the magistrates' courts under title 3 of the Canal Zone Code shall be continued, subject to the limitations set forth in Article XI of the Panama Canal Treaty of 1977.

(b) For purposes of the exercise of the jurisdiction provided in Article XI of the Panama Canal Treaty of 1977, the United States District Court and magistrates' courts referred to in subsection (a) of this section shall construe the terms "United States citizen employees", "members of the United States Forces", "civilian component", and "dependents" as such terms are defined in the Panama Canal Treaty of 1977 and related agreements, and shall con-

strue the term "areas and installations made available for the use of the United States" to mean (1) the Panama Canal operating areas and housing areas described in Annex A to the Agreement in Implementation of Article III of the Panama Canal Treaty, (2) the Ports of Balboa and Cristobal described in Annex B to that Agreement, and (3) the defense sites and Military Areas of Coordination described in Annex A to the Agreement in Implementation of Article IV of the Panama Canal Treaty.

(Pub. L. 96-70, title II, § 2201, Sept. 27, 1979, 93 Stat. 493.)

§ 3842. Division and terms of United States District Court for the District of the Canal Zone

The United States District Court for the District of the Canal Zone may conduct its affairs at such places within the areas made available for the use of the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, and at such times, as the district judge may designate by rule or order.

(Pub. L. 96-70, title II, § 2202, Sept. 27, 1979, 93 Stat. 494.)

§ 3843. Terms of certain offices

Notwithstanding the provisions of sections 5, 41, 45, and 82 of title 3 of the Canal Zone Code, the term of office of a district judge, magistrate, United States attorney, or United States marshal shall extend for a period of 30 months beginning on October 1, 1979, and any such term shall be subject to such extension of time as may be provided for the disposition of pending cases by agreement between the United States and the Republic of Panama, pursuant to the last sentence of paragraph 7 of Article XI of the Panama Canal Treaty of 1977.

(Pub. L. 96-70, title II, § 2203(a), Sept. 27, 1979, 93 Stat. 494.)

Effective Date

Section 2203(b) of Pub. L. 96-70 provided that: "The provisions of this section [enacting this section] shall take effect on the date of the enactment of this Act [Sept. 27, 1979]."

§ 3844. Magistrates' courts

(a) The two magistrates' courts established pursuant to section 81 of title 3 of the Canal Zone Code and existing immediately before October 1, 1979, shall continue in operation during the transition period unless terminated during such period under subsection (b) of this section.

(b) During the transition period, the President may terminate one magistrate's court, together with the positions of magistrate and constable corresponding thereto, if the President determines that the workload is insufficient to warrant continuance of that court. If one of the magistrates' courts is so terminated, the remaining magistrate's court shall exercise the jurisdiction that otherwise would have been exercised by the terminated court and shall take custody of and administer all records of the terminated court.

(Pub. L. 96-70, title II, § 2206, Sept. 27, 1979, 93 Stat. 494.)

Part 3—Transition Authority

§ 3851. Transition authority of President

Except as expressly provided to the contrary in this chapter or any other Act, or in the Panama Canal Treaty of 1977 and related agreements, any authority necessary for the exercise during the transition period of the rights and responsibilities of the United States specified in Article XI of the Panama Canal Treaty of 1977 shall be vested in the President.

(Pub. L. 96-70, title II, § 2401, Sept. 27, 1979, 93 Stat. 495.)

References in Text

This chapter, referred to in text, in the original read "this Act", meaning Pub. L. 96-70, Sept. 27, 1979, 93 Stat. 452, known as the Panama Canal Act of 1979 which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

§ 3852. Commitment of prisoners to custody of Attorney General or Commission

(a) After October 1, 1979—

(1) all prisoners imprisoned in United States prisons pursuant to contracts entered into pursuant to subsection (c) of section 6503 of title 6 of the Canal Zone Code shall be committed to the custody of the Attorney General as if committed in accordance with part III of title 18;

(2) all persons convicted of offenses in the United States District Court for the District of the Canal Zone, and sentenced to terms of imprisonment of one year or less, shall be committed to the custody of the Commission; and

(3) the Commission shall prescribe, and from time to time may amend, regulations providing for the management of prisoners in the jails located in the areas and installations made available for the use of the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, including provisions for treatment, care, assignment for work, discipline, and welfare.

(b) After October 1, 1979, all persons convicted of offenses in the United States District Court for the District of the Canal Zone, and sentenced to terms of imprisonment in excess of one year, shall be committed to the custody of the Attorney General pursuant to parts III and IV of title 18.

(Pub. L. 96-70, title II, § 2402(b), (c), Sept. 27, 1979, 93 Stat. 495.)

Codification

Subsecs. (a) and (b) were in the original (b) and (c) and have been editorially changed for purposes of codification.

Effective Date

Section 2402(e) of Pub. L. 96-70 provided that: "Subsections (c) [subsec. (b) of this section] and (d) [amending the Canal Zone Code] of this section shall take effect 90 days after entry into force of the prisoner transfer agreement referred to in paragraph 11 of

Article IX of the Panama Canal Treaty of 1977 but in no event later than 90 days prior to the end of the transition period."

SUBCHAPTER III—GENERAL PROVISIONS

PART 1—CEMETERIES

§ 3861. Disinterment, transportation, and reinterment of remains

(a) There are authorized to be appropriated for the fiscal year beginning October 1, 1979, and subsequent fiscal years, such sums as may be necessary to carry out the purposes and provisions of Reservation (3) to the Resolution of Ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, adopted by the United States Senate on March 16, 1978, such sums to be made available to those agencies that are directed and empowered by the President to carry out such purposes and provisions.

(b) With regard to remains that are to be reinterred in the United States, the United States shall not bear the cost of funeral home services, vaults, plots, or crypts unless otherwise provided for by law.

(Pub. L. 96-70, title III, § 3101, Sept. 27, 1979, 93 Stat. 496.)

PART 2—ADMINISTRATION

§ 3871. Annual report

Until the termination of the Panama Canal Treaty of 1977, the President shall report annually on the status of the exercise of the rights and responsibilities of the United States under that Treaty. Such report shall include a discussion of the following:

(1) The actions taken by the Government of the Republic of Panama with respect to the living conditions of persons who resided in the Canal Zone before October 1, 1979, and who continue to reside in those areas made available to the United States under the Agreement in Implementation of Article III of the Panama Canal Treaty.

(2) The terms, conditions, and charges for land-use licenses within the canal operating areas specified in the Agreement in Implementation of Article III of the Panama Canal Treaty.

(3) The condition of former employees (and their dependents) of the Panama Canal Company and the Canal Zone Government who reside in the Republic of Panama on or after October 1, 1979.

(Pub. L. 96-70, title III, § 3301, Sept. 27, 1979, 93 Stat. 497.)